United Nations S/2004/325

Security Council

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Report of the Secretary-General on the situation concerning Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1523 (2003) of 30 January 2004, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2004 and requested me to provide a report on the situation before that date. This report covers developments since my last report, dated 19 January 2004 (S/2004/39).

II. Activities of my Personal Envoy

2. During the reporting period, and following his meeting on 23 December 2003 with a Moroccan delegation, my Personal Envoy held two meetings with delegations from Morocco on 2 April and 15 April 2004 to discuss issues pertaining to Morocco's final response to the operative paragraphs of resolution 1495 (2003) of 31 July 2003. He also met with a delegation from the Frente POLISARIO on 31 March 2004.

3. As the Security Council might recall, the Peace Plan for Self-Determination of the People of Western Sahara (S/2003/565, annex II) had been developed pursuant to the request by the Security Council in its resolution 1429 (2002) of 30 July 2002 that further efforts be made to find a political solution to the conflict that provided for self-determination. The Peace Plan was delivered to the parties and the neighbouring countries during a visit to the region by my Personal Envoy early in January 2003. On 8 and 10 March 2003, the Frente POLISARIO and the Kingdom of Morocco informed me, respectively, about their objections to the Peace Plan (see S/2003/565, annex III). However, by its letter of 6 July 2003, the Frente POLISARIO officially accepted the Peace Plan.

4. During the meeting with my Personal Envoy on 15 April 2004, Morocco delivered its final response to the Peace Plan for Self-Determination of the People of Western Sahara, attached to a letter dated 9 April 2004 to my Personal Envoy from the Minister for Foreign Affairs and Cooperation of Morocco (annex I to the present report).

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Assessment of the activities of my Personal Envoy

5. As the Security Council will recall, by its resolution 1495 (2003), which was adopted unanimously, the Security Council expressed its support for the Peace Plan for Self-Determination of the People of Western Sahara as an optimum political solution on the basis of agreement between the parties. The Council also called upon the parties to work with the United Nations and with each other towards acceptance and implementation of the Peace Plan. However, while Morocco's final response to the Peace Plan expresses a willingness to continue to work to achieve a political solution to the conflict over Western Sahara, it also clearly states that an "autonomy-based political solution can only be final", which has adverse implications for self-determination, as called for in resolution 1429 (2002).

6. Since 1988, when the Secretary-General submitted the settlement proposals calling for a just and definitive solution of the question of Western Sahara by means of a ceasefire and the holding of a referendum of self-determination for the people of Western Sahara, the Security Council has been actively engaged in trying to find a solution to the conflict over Western Sahara. Both parties agreed to the settlement proposals in principle and subsequently to the implementation plan (the Settlement Plan, S/21360 and S/22464 and Corr.1) giving effect to these proposals. Although the ceasefire came into effect on 6 September 1991 and has since been respected by both sides, the referendum was never held despite efforts by MINURSO and successive Special Representatives, because of lack of cooperation over the years, by one or the other party, at different times (see S/2001/613, section III).

7. As the Council will recall, after a particularly long impasse in the identification process for voters in the referendum, in March 1997, I appointed James A. Baker III as my Personal Envoy and asked him to assess, together with the parties, the implementability of the Settlement Plan in its current form, or whether there were adjustments acceptable to the parties that would improve the chances of implementing it in the near future and, if not, to advise me on possible ways for resolving the conflict. As I recounted in detail in my report to the Security Council of 23 May 2003 (S/2003/565), in his efforts to either assist the parties to implement the Settlement Plan or find a political solution to the conflict acceptable to both of them, from March 1997 until the present, a period of over seven years, my Personal Envoy has held 14 formal meetings with the parties, together and separately, in the North African region, Europe and North America. During this period he has also met them informally, separately numerous times, both in North Africa and in Houston.

8. In my report of February 2002 (S/2002/178), I informed the Security Council that, despite their assertions to the contrary, the parties had not been willing to fully cooperate with the United Nations either in the implementation of the Settlement Plan or to try to negotiate a political solution that would bring about an early, durable and agreed resolution of their dispute over Western Sahara. Owing to the parties' incompatible positions with respect to two proposals which my Personal Envoy had put forward to them, the draft framework agreement, which was favoured by Morocco, and the proposal to consider a division of the Territory, which was favoured by Algeria and the Frente POLISARIO, I presented four options for the consideration of the Security Council, which would not have required the concurrence of the parties.

9. As a first option, the United Nations could have resumed its efforts to implement the Settlement Plan without requiring the concurrence of both parties before action could be taken. This effort would have begun with the appeals process, but, even under this non-consensual approach, the United Nations in the years ahead would have faced most of the problems and obstacles that it had faced in the preceding ten years. In that connection, Morocco had expressed its unwillingness to go forward with the Settlement Plan; in addition, the United Nations might not be able to hold a free and fair referendum the results of which would be accepted by both sides; and there would still be no mechanism to enforce the results of the referendum. Under this option, the Identification Commission of MINURSO would have been reinforced, and indeed the overall size of the operation would have been increased.

10. As a second option, my Personal Envoy could have undertaken to revise the draft framework agreement, taking into account the concerns expressed by the parties and others with experience in such documents. However, in that event, my Personal Envoy would not have sought the concurrence of the parties, as had been done in the past with respect to the Settlement Plan and the draft framework agreement. The revised framework agreement would have been submitted to the Security Council, which would then have presented it to the parties on a non-negotiable basis. If the Council had agreed to this option, the composition of MINURSO might have been reduced.

11. As a third option, the Security Council could have asked my Personal Envoy to explore with the parties one final time whether or not they were willing to discuss, under his auspices, directly or through proximity talks, a possible division of the Territory, with the understanding that nothing would be decided until everything was decided. Under that option, in the event that the parties had been unwilling or unable to agree upon a division of the Territory by 1 November 2002, my Personal Envoy would have been asked to show to the parties a proposal for division of the Territory that would also have been submitted to the Council. The Council would then have presented the proposal to the parties on a non-negotiable basis. Such an approach to a political solution would have given each party some, but not all, of what it wanted and would have followed the precedent, but not necessarily the same territorial arrangements, of the division agreed to in 1976 between Morocco and Mauritania. If the Council had chosen this option, MINURSO could have been maintained at its present size or with its composition reduced.

12. As a fourth option, the Security Council could have decided to terminate MINURSO, thereby recognizing and acknowledging that, after the passage of more than 11 years and the expenditure of over half a billion dollars, the United Nations was not going to solve the problem of Western Sahara without requiring that one or both of the parties do something that they would not voluntarily agree to do.

13. The Security Council was not able to agree on any of the options. Instead, by its resolution 1429 (2002), it expressed its continued strong support for my efforts and those of my Personal Envoy to find a political solution to this long-standing dispute, and invited my Personal Envoy to pursue those efforts, taking into account the concerns expressed by the parties. The Council expressed its readiness to consider any approach providing for self-determination that might be proposed by me and my Personal Envoy, consulting, as appropriate, others with relevant

experience. The Council also called upon the parties and the States in the region to cooperate fully with me and my Personal Envoy in that regard.

14. Pursuant to that request, my Personal Envoy, assisted by a constitutional expert, drafted the Peace Plan for Self-Determination of the People of Western Sahara. I presented the Peace Plan to the Security Council in my report of 23 May 2003 (S/2003/565, annex II), as a fifth option, in addition to the four that had been described in my report of 19 February 2002. I recommended at that time that the Security Council endorse the Peace Plan as a fair and balanced approach which, following a transitional period of self-government, would offer the bona fide residents of Western Sahara an opportunity to determine their future themselves.

15. By its resolution 1495 (2003), acting under Chapter VI of the Charter of the United Nations, the Security Council unanimously expressed its support for the Peace Plan for Self-Determination of the People of Western Sahara as an optimum political solution on the basis of agreement between the parties and called upon the parties to work with the United Nations and with each other towards its acceptance and implementation.

III. Developments on the ground

A. Activities of my Special Representative

16. In February 2004, I asked my Special Representative for Western Sahara, Alvaro de Soto, to head my mission of good offices mission in Cyprus, in his capacity as my Special Adviser on Cyprus. In the meantime, the Force Commander of MINURSO, Major General Gyorgy Száraz (Hungary) has been acting as Officer-in-Charge of the Mission.

B. Activities of the military component

17. Owing to seasonal rotations, as at 19 April 2004 the military component of MINURSO stood at 227 United Nations military observers and troops, against the authorized strength of 230 (see annex II). The military component continued to monitor the ceasefire in Western Sahara. The Mission's area of responsibility has remained calm and there have been no indications on the ground that either side intends to resume hostilities in the near future.

18. During the reporting period, MINURSO conducted over 1,924 ground patrols and 152 air patrols to visit and inspect ground units larger than company size of the Royal Moroccan Army and the military forces of the Frente POLISARIO, in accordance with the ceasefire agreements between MINURSO on the one hand, and the Royal Moroccan Army and the Frente POLISARIO on the other. The military forces of both the Royal Moroccan Army and the Frente POLISARIO have continued to carry out routine maintenance and training activities.

19. The Frente POLISARIO still imposes some limitations on the Mission's freedom of movement in areas of the Territory east of the berm. Although the nature of the limitations does not significantly affect the ability of MINURSO to monitor the situation in those areas, their removal would further facilitate the Mission's ground and air patrolling activities.

20. MINURSO cooperated with the parties on the marking and disposal of mines and unexploded ordnance. In the past three months, the Mission has discovered and marked 82 mines and pieces of unexploded ordnance on both sides of the berm and has monitored 11 disposal operations carried out by the Royal Moroccan Army and the Frente POLISARIO. Since 1997, MINURSO has cooperated with the parties in discovering and marking a total of 1,123 mines and pieces of unexploded ordnance, as well as in 750 disposal operations.

C. Logistical aspects

21. MINURSO continued the phased implementation of its two-year plan to refurbish worn-out living and working quarters at all 10 MINURSO weather haven team site camps across the Territory. The refurbishment plan, which began in 2003, is currently 75 per cent complete. Additional communication equipment is being installed at the Smara (North) and Dakhla (South) sector headquarters. New patrol vehicles have been received and are being fitted with VHF/HF and GPS systems.

D. Prisoners of war, other detainees and persons unaccounted for

22. Owing to the mediation of a Member State, the Frente POLISARIO announced on 13 February 2004 the release of a further 100 Moroccan prisoners of war, who were subsequently repatriated to Morocco under the auspices of the International Committee of the Red Cross (ICRC). While I welcome this step, 514 such prisoners are still in detention, some of them for more than 20 years. I therefore reiterate my call to the Frente POLISARIO to expedite the release of all remaining prisoners, in compliance with international humanitarian law and numerous Security Council resolutions and presidential statements. I also call on both Morocco and the Frente POLISARIO to continue to cooperate with ICRC in accounting for those who are still missing in relation to the conflict.

E. Western Saharan refugees

23. The World Food Programme (WFP) and the Office of the United Nations High Commissioner for Refugees (UNHCR) undertook a joint assessment mission to the Tindouf area refugee camps in January 2004. Representatives of nine Member States, both current and potential donors, also took part in the assessment. Despite improvements in recent months due to increased donor support, the food situation in the refugee camps remains unstable. Unless additional relief supplies are available, refugees may start facing a shortage of cereals in May 2004, and a shortage of other essential commodities a month later. Urgent contributions to UNHCR and WFP assistance programmes are therefore required in order to overcome the foreseen shortages. I call on the donor community to respond generously to these appeals.

F. Confidence-building measures

24. It will be recalled that the Office of the United Nations High Commissioner for Refugees and my Special Representative for Western Sahara have promoted with the parties the implementation of the confidence-building measures. The aim of the

measures is to facilitate person-to-person contacts between the refugees in the Tindouf area refugee camps in Algeria and their communities of origin in Western Sahara. As noted in my previous report to the Council, a revised version of the UNHCR plan of action was submitted to the parties in December 2003 for their final consideration. Late in January and early in February 2004, the parties, and Algeria as the country of asylum, communicated their approval of the revised plan of action.

Exchange of family visits

25. I am pleased to report that the first exchange of family visits — between Western Saharan refugees living in the Tindouf area refugee camps in Algeria and their relatives in the town of Laayoune in the Territory — commenced successfully on 5 March 2004. During this first exchange, 21 refugees were transported aboard a MINURSO flight from Tindouf to Laayoune, and 19 Saharans were transported from Laayoune to Tindouf on the return flight. Despite some initial complaints by both parties at the outset of the exercise, the exchange of family visits has so far run smoothly, with the full cooperation of the parties, as well as Algeria, as country of asylum. To date, there have been five 5-day exchanges of visits between Laayoune and the Tindouf area camps, involving a total of 240 persons from both sides.

26. The first exchange of family visits was conducted on 9 April 2004, between the town of Dakhla in the Territory and the Tindouf area camps, involving a total of 50 persons from both sides. The exchange of visits will soon shift to other locations in the Territory on a rotational basis.

27. As at 31 March 2004, applicants to the exchange programme had exceeded 8,500 persons, including 2,850 from the Territory registered in Laayoune, and 5,650 from the Tindouf area refugee camps. Most of the applicants were found to meet the humanitarian and vulnerability criteria established by UNHCR for this activity. As initially planned, the programme will be pursued for six months on the basis of weekly flights and will be reviewed regularly and adjusted as required.

28. In order to ensure the success of this exercise, MINURSO is currently providing UNHCR with full logistic support, including both air and ground means of transport, as well as office and communications equipment. A memorandum of understanding between MINURSO and UNHCR defining their respective operational and financial contributions to the programme is being finalized.

29. In accordance with the UNHCR revised plan of action, four civilian police officers were deployed to MINURSO as from 11 March as part of the Mission's support for the exchange of family visits. The civilian police officers are performing an important role in escorting flights carrying visitors to and from the Territory and the Tindouf area refugee camps, monitoring and facilitating airport checks at the arrival and departure points, and assisting visitors in the registration and completion of travel formalities. Two additional civilian police officers are expected to be deployed shortly to the Mission area to assist in these activities.

30. In the light of the positive developments emerging from the first phase of the family visits, UNHCR, with the full support of MINURSO, hopes to carry on with this programme for an initial period of six months, to be reviewed thereafter in consultation with the parties. I would like to urge the parties to continue to extend their cooperation to UNHCR and MINURSO for the smooth implementation of the family visits. It is my hope that the parties will respond positively to the call of

UNHCR to preserve their exclusive humanitarian character. Meanwhile, I would like to join UNHCR in appealing to donor countries for urgent contributions for the implementation of family visits, which require a great deal of logistical, monitoring and administrative resources.

Telephone service

31. The telephone service linking the 27 February School in Tindouf with the Territory, which was resumed on 12 January 2004, has continued to function, and more than 2,000 refugees have benefited from the service. Work is currently under way to extend the telephone service to other locations in the Tindouf area camps. MINURSO is currently assisting UNHCR by providing the equipment and installing a second small telephone station in Al Ayoun camp in the Tindouf area, which is expected to be operational shortly.

Mail service

32. While the Moroccan authorities have recently notified UNHCR of their wish to pursue discussions in the near future with regard to the mail service between the Territory and the Tindouf area refugee camps, no significant progress has been achieved on this important element of the confidence-building measures since my last report to the Security Council. UNHCR remains ready to implement this service in accordance with the modalities it had initially proposed or under any other terms that would ensure the approval of all concerned.

G. African Union

33. During the reporting period, the observer delegation of the African Union to MINURSO, led by its Senior Representative, Ambassador Yilma Tadesse (Ethiopia), continued to provide valuable support and cooperation to the Mission. I wish to reiterate my sincere appreciation for this contribution.

H. Financial aspects

34. By its resolution 57/331 of 18 June 2003, the General Assembly appropriated an amount of $41,529,500 (gross), equivalent to $3,460,792 per month, for the maintenance of MINURSO for the period from 1 July 2003 to 30 June 2004. The assessment of these amounts is subject to the decision of the Security Council to extend the mandate of the Mission. Should the Security Council decide to extend the mandate of MINURSO beyond 30 April 2004, the cost of maintaining the Mission until 30 June 2004 would be limited to the monthly amounts approved by the General Assembly.

35. As at 31 March 2004, unpaid assessed contributions to the special account for MINURSO amounted to $45 million. The total outstanding assessed contributions for all peacekeeping operations as at 31 March 2004 amounted to $1,175.1 million.

Enclosure

Reply of the Kingdom of Morocco to Mr. Baker's proposal entitled "Peace Plan for the Self-Determination of Western Sahara"

The Kingdom of Morocco has always supported the Secretary-General of the United Nations and his Personal Envoy in their effort to find a political solution based on a compromise between the two options provided for under the 1991 Settlement Plan, which turned out to be inapplicable.

When the Personal Envoy came to the conclusion that the plan was inapplicable, and recommended at the Berlin meeting, on 28 September 2000, to seek an alternative political solution, the Kingdom of Morocco immediately assured him of its support. Thus, in February 2001, Mr. Baker suggested that this solution be in the form of an autonomy status whereby the Kingdom of Morocco would be expected to offer "some devolution of authority for all inhabitants and former inhabitants of the territory that is genuine, substantial and in keeping with international norms". When the Personal Envoy, building on this initiative, submitted to the Security Council in June 2001, a draft framework agreement for autonomy, Morocco immediately expressed readiness to negotiate a final settlement with the other parties, on this basis.

The Kingdom of Morocco has never failed to honour its commitment to participate, in good faith, in the negotiations with a view to achieving a mutually acceptable political solution. Thus, it submitted, in due course, to the Personal Envoy, its observations which consist in a documented and critical analysis of his peace plan. In particular, Morocco noted that the architecture of this proposal goes against the legitimate interests of the Kingdom. It also noted that the said plan strays from the autonomy political solution that had been initially accepted by the Personal Envoy.

Notwithstanding these objections, the Kingdom of Morocco has pursued open dialogue with the Personal Envoy, in accordance with the recommendations contained in Security Council resolution 1495 (2003), dated 31 July 2003. Thus, on 17 September and 23 December 2003 and on 2 April 2004, meetings were held in Houston, during which fundamental issues relating to Morocco's reply were discussed.

This dialogue provided an opportunity for Morocco to specify those aspects of the proposed plan which the Kingdom considers as unacceptable, and to discuss the other issues, in view of the negotiations to be held by the parties, as called for by the Security Council in resolution 1495 (2003).

Morocco took a position which was determined in the light of the meaning given to the political solution, always presented as a compromise solution consisting of autonomy within the framework of Moroccan sovereignty. Thus, the population would be expected to manage its own local affairs, with the necessary safeguards, and without prejudice to the sovereignty prerogatives of the Kingdom of Morocco and its territorial integrity. Such autonomy, agreed to between the parties and the United Nations, would close the issue of self-determination and enhance the territorial stability of the States of the region.

Clearly, this autonomy-based political solution can only be final. This is why the Kingdom of Morocco cannot agree to a transitional period, marked by

uncertainty as to the final status of the territory. Such a transitional period, envisaged under the proposed peace plan of the Personal Envoy, is likely to usher in an era of insecurity and instability for the whole Maghreb. Consequently, and as far as the Kingdom is concerned, the final nature of the autonomy solution is not negotiable.

On the other hand, the autonomy solution, as agreed to by the parties and approved by the population, rules out, by definition, the possibility for the independence option to be submitted to the said population. It is, therefore, out of the question for Morocco to engage in negotiations with anyone over its sovereignty and territorial integrity.

Everyone would understand that Morocco, just like any other State, cannot accept a questioning which is likely to destabilize it and to challenge the most sacred principles which have, throughout history, founded its unity and safeguarded its perpetuity.

With these aspects ruled out from the Personal Envoy's proposal, the Kingdom of Morocco solemnly reaffirms its readiness to negotiate a final settlement through a viable autonomy status for the Sahara region, in the interest of peace and stability for all States of the Maghreb. This status will provide for exclusive competences for the region, along with the relevant bodies to enforce them.

It would be appropriate to take into account the process that has been initiated by the Kingdom in an effort to build a democratic and modern society which is firmly attached to its identity and which derives its richness from the combination of numerous elements, of which the Saharan culture is a major component. Similarly, we should draw on the experiences of countries which are geographically and culturally close to Morocco.

In this respect, Morocco is ready to enter into negotiations, at any time, with the other parties and with the United Nations, in order to achieve a mutually acceptable settlement to the longstanding dispute over Sahara.

Annex II

United Nations Mission for the Referendum in Western Sahara: contributions as at 19 April 2004

Country	*Military observers*[a]	*Force Commander*	*Troops*	*Civilian police*[b]	*Total*
Argentina	1				1
Austria	2				2
Bangladesh	8				8
China	19				19
Croatia	2				2
Egypt	19			1	20
El Salvador	5				5
France	25				25
Ghana	9		7		16
Greece	1				1
Guinea	5				5
Honduras	12				12
Hungary	7	1			8
Ireland	4				4
Italy	5				5
Kenya	10				10
Malaysia	13				13
Mongolia	3				3
Niger	0			3	3
Nigeria	8				8
Pakistan	7				7
Poland	1				1
Republic of Korea	0		20		20
Russian Federation	24				24
Sri Lanka	2				2
Uruguay	8				8
Total	**200**	**1**	**27**	**4**	**232**

[a] Authorized strength is 230.
[b] Authorized strength is 81.

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Addendum

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Map No. 3691 Rev. 44 UNITED NATIONS
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France, Philippines, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Affirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery,* constitutes a threat to international peace and security,

Reaffirming, in this context, the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

Recalling also that the Statement underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability,

Affirming its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the United Nations Charter,

Affirming its support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons and the importance for all States parties to these treaties to implement them fully in order to promote international stability,

Welcoming efforts in this context by multilateral arrangements which contribute to non-proliferation,

* Definitions for the purpose of this resolution only:

Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use.

Non-State actor: individual or entity, not acting under the lawful authority of any State in conducting activities which come within the scope of this resolution.

Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

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Affirming that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be used as a cover for proliferation,

Gravely concerned by the threat of terrorism and the risk that non-State actors* such as those identified in the United Nations list established and maintained by the Committee established under Security Council resolution 1267 and those to whom resolution 1373 applies, may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery,

Gravely concerned by the threat of illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery, and related materials,* which adds a new dimension to the issue of proliferation of such weapons and also poses a threat to international peace and security,

Recognizing the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security,

Recognizing that most States have undertaken binding legal obligations under treaties to which they are parties, or have made other commitments aimed at preventing the proliferation of nuclear, chemical or biological weapons, and have taken effective measures to account for, secure and physically protect sensitive materials, such as those required by the Convention on the Physical Protection of Nuclear Materials and those recommended by the IAEA Code of Conduct on the Safety and Security of Radioactive Sources,

Recognizing further the urgent need for all States to take additional effective measures to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery,

Encouraging all Member States to implement fully the disarmament treaties and agreements to which they are party,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

Determined to facilitate henceforth an effective response to global threats in the area of non-proliferation,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides that* all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

2. *Decides also* that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

3. *Decides also* that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures;

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

4. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, for a period of no longer than two years, a Committee of the Security Council, consisting of all members of the Council, which will, calling as appropriate on other expertise, report to the Security Council for its examination, on the implementation of this resolution, and to this end calls upon States to present a first report no later than six months from the adoption of this resolution to the Committee on steps they have taken or intend to take to implement this resolution;

5. *Decides* that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;

6. *Recognizes* the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

7. *Recognizes* that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

8. *Calls upon* all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

9. *Calls upon* all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

10. Further to counter that threat, *calls upon* all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

11. *Expresses* its intention to monitor closely the implementation of this resolution and, at the appropriate level, to take further decisions which may be required to this end;

12. *Decides* to remain seized of the matter.

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Letter dated 26 April 2004 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to express to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) the deep gratitude of the Republic for the untiring efforts being made by the Mission to restore peace in the Great Lakes region in general and in the Democratic Republic of the Congo in particular.

My Government, which wishes to draw the full attention of the Security Council to the situation prevailing in North Kivu and South Kivu and at the frontier with Rwanda, is grateful to MONUC for having confirmed on 21 April 2004 that soldiers of the Forces de Défense Rwandaise (FDR — regular Rwandan army) are still present in the territory of the Democratic Republic of the Congo, thus corroborating the numerous allegations — now justified — by the population of the provinces bordering on the Rwandese Republic and those made by the Government concerning this continuing presence, in flagrant violation of all the agreements and commitments signed between the Government of my country and that of Rwanda. It also takes this occasion to thank MONUC for the objectivity with which it is dealing with the situation between the Democratic Republic of the Congo and Rwanda.

My Government was glad to learn from MONUC that it has found no evidence locally of incursions by armed groups of the Forces Démocratiques pour la Libération du Rwanda (FDLR) from Congolese territory, but is especially concerned to learn from MONUC that FDR troops have been seen at Bunangana, in Rutshuru territory, in North Kivu.

My Government would like to remind the Security Council that it is complying with the declaration on Principles of Good-Neighbourly Relations of 25 September 2003, signed at the high-level meeting organized under the auspices of the Secretary-General of the United Nations in New York. In accordance with that declaration, my Government would like to assure the Security Council that it is in no way opposed to ongoing discussions with Rwanda and, to this effect, announce its complete willingness to continue to its conclusion, at both the bilateral and multilateral levels, the process of normalization initiated between our two countries in order to restore confidence and deal with the ingrained mistrust and suspicion born of several years of murderous aggressive warfare waged by neighbouring countries, including Rwanda.

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Indeed, my Government is firmly convinced of the virtues of dialogue, ongoing discussion and problem-solving by political and diplomatic means, which should be the ideal framework for the settlement of any dispute that may arise during the process of normalization between our two countries.

Moreover, my Government's concern is reinforced by the fear that another humanitarian drama could yet occur in the Congolese provinces still under occupation, although they have already endured enormous suffering and paid heavily for the criminal activism of the regular occupation armies and of the armed groups affiliated to them, whether or not they have signed the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo.

For this reason, my Government lodges the strongest protest at this renewed activity, also reported by MONUC, by soldiers of the Rwandan regular army deep inside Congolese territory. This presence is helping to exacerbate tension at the common frontier and may undermine the tenuous progress towards peace in the Great Lakes region.

My Government wishes to inform the Council that it has requested the Secretary-General of the United Nations to establish a fact-finding commission to study the latest developments in the region. It reiterates this request to the Security Council, if the principal organ of the United Nations responsible for international peace and security considers it still necessary, in order to corroborate the position of the Government, the Congolese population and MONUC.

In view of the foregoing, my Government requests an urgent meeting of the Security Council in order to:

1. Require Rwanda strictly to respect all the relevant resolutions of the Council on the situation in the Democratic Republic of the Congo;

2. Take the enforcement measures envisaged in Chapter VII of the Charter of the United Nations against the Rwandan Government, which is once again demonstrating that it is the only obstacle to the restoration of peace in the Great Lakes region;

3. Accelerate the implementation and enforcement of resolution 1533 (2004) of 12 March 2004 and particularly its paragraphs 10 to 13;

4. Request the Secretary-General to streamline the preparatory work for the International Conference on the Great Lakes Region in order to create all the prerequisites for its complete success.

The Council is also requested to take note of the attached announcement made on 26 April 2004 by the Government to the Embassies accredited to Kinshasa.

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Atoki **Ileka**
Ambassador
Permanent Representative

Annex to the letter dated 26 April 2004 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

First let me thank you for having responded to my invitation today and apologize for the short notice given.

Once again, it is my unfortunate duty to call you away from your important responsibilities in order to speak to you, as front-line observers of the political process taking place both in my country and in the Great Lakes subregion, about developments that the Transitional Government considers to be extremely serious, in view of the challenges it is required to face.

On 12 April 2004, General James Kabarebe, the Chief of Staff of the Rwandan Army, submitted to the Commander of the MONUC Forces accusations that armed FDLR groups had made incursions into Rwandan territory from North and South Kivu, in particular at Gikorongo on 7 April, Gisenyi on 8 April and Ruhengeni on 9 April.

These allegations surprised the Congolese Government, since they were made several days afterwards and a high-level delegation from the Democratic Republic of the Congo was in Kigali until 8 April 2004 to attend the events commemorating the 1994 genocide but was never informed of any attacks by the Rwandan authorities.

Following these allegations, MONUC was asked to step up its verification operations in the provinces concerned, but has so far not confirmed that these incursions took place.

Quite the contrary: on 24 April, the Congolese Government was informed by a MONUC press release of the presence in Congolese territory of battalions of the Forces de Défense du Rwanda (FDR/Rwandan regular army), which its soldiers had encountered precisely in the vicinity of the frontier town of Bunagana, in the territory of Rutshuru, North Kivu, and which forced the soldiers to withdraw.

As soon as it was set up on 30 June 2003, the Transitional Government made the normalization of relations with its neighbours one of its priorities, together with other equally pressing challenges including reunification of the national territory, creation of an integrated and restructured national army and police and neutralization of the armed groups.

On many occasions, we have reaffirmed our commitment successfully to conclude the normalization process initiated with our neighbours and particularly those which were directly involved in the Congolese crisis, such as Rwanda and Uganda.

On many occasions also, we have provided evidence of this commitment to change the climate of mistrust and suspicion born of five years of mutual resentment and move on to peaceful and mutually advantageous relations.

As examples, I can mention the presence in Kigali of a strong Congolese delegation on the occasion of the investiture of the President of the Rwandese Republic, Mr. Paul Kagame, the working visit to Kinshasa of my Rwandan counterpart, Mr. Charles Murigande, the visit to Kigali of the Congolese Minister of Regional Cooperation, Mr. Mbusa Nyamwisi, and quite recently the presence in

Kigali of a strong Congolese delegation headed by the Vice-President of the Republic responsible for the Political, Defence and Security Commission, Mr. Ruberwa, on the occasion of the commemoration on 7 April 2004 of the tenth anniversary of the genocide.

I cannot fail to mention the numerous telephone contacts that I have always maintained with the Rwandan authorities, whenever the need arose.

Here I should like to remind you that, at the fifty-eighth session of the United Nations General Assembly in New York, our country joined Rwanda, Uganda and the other countries concerned in acceding to the Declaration on Principles of Good-Neighbourly Relations of 25 September 2003, at the initiative of the Secretary-General of the United Nations.

This Declaration of Principles was reaffirmed and strengthened at the Pretoria Summit of 27 November 2003, during which the two parties promised to work together for the restoration of relations of good-neighbourliness and peaceful cooperation between the two countries.

During our recent visit to Kigali from 6 to 8 April, we agreed with our Rwandan counterpart that experts from the two countries should meet as soon as possible to prepare the pending issues to be submitted to the next meeting at the ministerial level. Prominent among these issues were the practical arrangements to secure our respective frontiers with assistance from the international community, through MONUC.

Only recently, the Congolese Government welcomed hopefully and with great satisfaction the tripartite ministerial meeting between the Democratic Republic of the Congo, Rwanda and Uganda to be held at the beginning of May in Washington.

This gathering should provide a good opportunity for us to give new impetus to the ongoing normalization process and to involve the international community even more in the solution of the problems existing at the level of our subregion.

As you see, it is at a time when our Government is firmly committed to this course of peace and confidence-building among the countries of the subregion, and between Rwanda and the Democratic Republic of the Congo in particular, that we learn of the return of Rwandan soldiers on our territory, as confirmed by MONUC.

For the Transitional Government, the presence of these soldiers in the east of the Congolese territory is a flagrant violation by the Government of Rwanda of the undertakings freely given by our two countries.

In our view, this violation is an act of extreme gravity, likely to upset the normalization process under way between our two countries and to considerably undermine the Congolese people's confidence in the ability and willingness of the Rwandan authorities to restore the ties of trust and peaceful coexistence that formerly existed between our two peoples.

In view of the foregoing, the Congolese Government lodges a strong protest against what it considers to be a flagrant violation of its territorial integrity by Rwanda.

Faced with what appears to be a real threat to the integrity of its territory, the Congolese Government has instructed its Permanent Representative to the United

Nations to request the immediate convening of an urgent meeting of the United Nations Security Council in order to:

1. Require Rwanda to conduct an immediate and unconditional withdrawal of its troops from Congolese territory;

2. Ask Rwanda strictly to respect the commitments it has freely entered into, beginning with the declaration of 25 September 2003 on Principles of Good-Neighbourly Relations, adopted under the auspices of the Secretary-General, and the resolutions of the Pretoria Summit of 27 November 2003;

3. Require Rwanda strictly to respect all the relevant resolutions of the Security Council on the situation in the Democratic Republic of the Congo;

4. Take the enforcement measures envisaged in Chapter VII of the Charter of the United Nations against the Rwandan Government;

5. Accelerate the implementation and enforcement of resolution 1533 (2004) of 12 March 2004 and particularly its paragraphs 10 to 13.

The Congolese Government wishes, however, to state that, despite what appears to be a desire on the part of the Rwandan authorities to sabotage the normalization efforts under way, it remains true to its commitment to give preference to the methods of dialogue and discussion in the settlement of disputes that may arise between the two countries, with the guarantee of the international community.

Thank you.

United Nations S/2004/328

Security Council

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Letter dated 26 April 2004 addressed to the President of the Security Council by the Permanent Representative of France to the United Nations

Please find attached the report on the work of the Security Council during the French Presidency in March 2004 (see annex). This report was written under my supervision, after consultation with the other members of the Security Council.

I should be grateful if you would circulate this letter and its annex as a Security Council document.

(*Signed*) Jean-Marc **de La Sablière**

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Annex to the letter dated 26 April 2004 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council

[Original: English and French]

Assessment of the work of the Security Council during the Presidency of France (March 2004)

Introduction

In March 2004, under the presidency of Jean-Marc de La Sablière, Permanent Representative of France, the Security Council considered many items on its agenda (Bosnia and Herzegovina, Counter-Terrorism Committee, Iraq, Haiti, Middle East, Afghanistan). It gave great emphasis to African issues (Ethiopia and Eritrea, Liberia, Burundi, Sierra Leone, Democratic Republic of the Congo, Côte d'Ivoire), in particular during the public meeting held on 25 March, under the presidency of the French Minister for Cooperation and Francophonie, on cross-border issues in West Africa.

Many crises and outbursts of violence led the Council to convene urgently on questions of terrorism (Madrid attacks of 11 March), Palestine and Kosovo.

In March, the Security Council held 20 public meetings and 15 closed consultations. It adopted eight resolutions (1530 (2004) to 1537 (2004)) and four presidential statements. The President also made seven statements to the press in the name of the Council members. The Council also held two private meetings with troop-contributing countries.

The French presidency published daily on its web site (www.un.int/france) the programme of work of the Council and summaries of its activities.

Africa

Burundi

The members of the Council heard, on 22 March, a briefing by Behrooz Sadry, head of the United Nations assessment mission recently sent by the Secretary-General to Burundi. Mr. Sadry told the members of the Council about recent developments in the political process and the implementation of the Arusha Agreement peace process. He gave details of the conclusions of the multidisciplinary mission, which met with all political parties, representatives of civil society, United Nations organizations, and non-governmental organizations. The FNL led by Agathon Rwasa was present in small numbers in rural Bujumbura and was continuing to fight.

Whereas the African Union and the African Mission in Burundi had played a major role in bringing back peace, the contingents now suffered from a lack of financial and logistic capacities. The elections were to be held in less than eight months, within the time limits provided for by the Arusha Agreement.

The Secretariat was therefore recommending the deployment of a multidimensional peacekeeping operation to assist in the disarmament, demobilization and reintegration and the organization of the election process.

The members of the Council took note of the recommendations contained in the report of the Secretary-General and most of them supported the idea of a peacekeeping operation as soon as possible in Burundi.

They agreed on a statement to the press on this matter (see appendix).

Côte d'Ivoire

The representative of the Department of Peacekeeping Operations of the Secretariat presented, on 26 March, a short update on the demonstration held in Abidjan on 25 March, during which at least 27 people died. The Forces nouvelles had announced they would stop all cooperation with FANCI.

Following the Secretary-General's statement, the members of the Council agreed to issue a statement to the press on the matter (see appendix).

During the consultations held on 31 March, the Under-Secretary-General, Jean-Marie Guéhenno, briefed the Council on the situation in Côte d'Ivoire. After the events of 25 and 26 March, the Government had decided to establish a national commission of inquiry. There was a need for a broader inquiry that could take the form of an international commission set up under the auspices of the Office of the United Nations High Commissioner for Human Rights.

The Special Representative of the Secretary-General, Albert Tévoédjrè, had travelled to Accra on 29 March and met with President Kufuor to study various options to encourage a political initiative.

The Under-Secretary-General stressed that the Department of Peacekeeping Operations was ready to proceed with the plans decided by the Security Council for the deployment of UNOCI.

Ethiopia and Eritrea

After a private meeting on 10 March with the troop-contributing countries to UNMEE, members of the Council heard a briefing on 11 March from Legwaila Joseph Legwaila, Special Representative of the Secretary-General, on the situation in Ethiopia and Eritrea.

The Special Representative stressed that, while the situation in the Temporary Security Zone remained stable, it was nevertheless still fragile and an escalation of tension might lead to a resumption of hostilities.

The main reason for the present stalemate was the lack of progress in the implementation of the Boundary Commission's decision, owing to Ethiopia's rejection of significant parts of that decision. On the Eritrean side, UNMEE faced increased restrictions on its freedom of movement in the areas adjacent to the Temporary Security Zone. The only progress was the first sector meetings of the Military Coordination Commission.

The Special Representative considered that it was important to remind the parties that UNMEE was never meant to support a status quo indefinitely. The mission of the Special Envoy of the Secretary-General aimed at encouraging the

dialogue between the two parties and should be backed by the international community.

The members of the Council supported the action of UNMEE and expressed their support to Lloyd Axworthy, Special Envoy, in exercising his mission of good offices, in order to facilitate the implementation of the Algiers Agreement and the Boundary Commission's decision.

They agreed on a draft resolution, which sent a strong message to the parties and extended the mandate of UNMEE until 15 September 2004, and was adopted as Security Council resolution 1531 (2004) on 12 March.

Liberia

On 12 March, the Security Council adopted resolution 1532 (2004), freezing the financial assets of former President Taylor and his close associates.

The members of the Council heard, on 29 March, a presentation of the latest report of the Secretary-General by the Under-Secretary-General for Peacekeeping Operations.

The Under-Secretary-General emphasized that considerable progress had been achieved with the deployment of contingents from many countries. The troop strength of UNMIL now stood at 14,000 and full deployment would be achieved in April.

The ceasefire in Monrovia was respected, despite harassment of civilians and looting by LURD elements.

The resumption of the programme of disarmament, demobilization, reintegration and repatriation, as well as the engagement of the armed groups in the political process, required careful management. Adequate security should be established for disarmament, demobilization, reintegration and repatriation to start. A total of US$ 11 million had been pledged to the trust fund established under UNDP auspices.

In the security sector, the UNMIL civilian police component comprised 518 personnel and would reach a total of 1,115 in June 2004; 300 Liberian police officers had already been trained. The restructuring of the armed forces should also start and the United States would soon send an assessment mission.

On the humanitarian side, access was better, but the agencies were expecting more opening in certain areas, for the 250,000 displaced persons and 25,000 refugees returning from Sierra Leone.

The members of the Council welcomed the significant progress made towards improving security in Liberia. Still, much remained to be done, especially with regard to disarmament, demobilization, reintegration and repatriation, which was one of the biggest challenges ahead. They stressed the need for donors to assume their responsibilities and for regional cooperation among the United Nations missions in West Africa. They also noted that the increased stability in the country should encourage the Government to extend State authority throughout Liberia.

Democratic Republic of the Congo

On 2 March, under "Other matters" the members of the Council heard a briefing by the Under-Secretary-General on recent developments in the eastern part of the Democratic Republic of the Congo.

He reported on the violence perpetrated in the Ituri district by the armed groups. An attack had been launched on 12 February against a MONUC convoy in Katoto during which a military observer from Kenya was killed. The recent attacks by the militias, which were now split into two factions of UPC, on the camp of internally displaced persons had caused some 500 people to flee to other areas of the town. He also indicated that an alliance of a Lendu militia and UPC appeared to be behind a massacre in January in Gobu, which resulted in more than 200 missing people.

As a result of those attacks and the deterioration of the general security situation in the region, the Special Representative of the Secretary-General, William Lacy Swing, and the Force Commander had travelled to Bunia on 21 and 22 February for urgent consultations with the MONUC Ituri brigade as well as the civilian component in Ituri. The discussion had resulted in a unified sense of urgency to address the situation in Ituri through a reinforced political and military approach. A "zero tolerance" policy would be established and the Ituri brigade had been directed to disarm, by force if necessary, all militias encountered outside officially recognized camps. MONUC would adopt a robust posture from now on, as it had done on 29 February, when a militiaman had to be killed.

The Under-Secretary-General also reported on the security situation in Katanga following a massacre and widespread atrocities in the north of the province during clashes between two rival Mayi-Mayi factions. He also mentioned the situation in Bukavu, where an arms cache had been discovered. Extremist propaganda against MONUC was calling on the population to attack its personnel, which was extremely disquieting.

The members of the Council reacted to this briefing in a statement to the press (see appendix), in which they condemned the violence, encouraged the Congolese transitional authorities to exercise fully their responsibilities in the eastern part of the country and urged all States in the region to play a constructive role.

On 12 March, the Security Council adopted resolution 1533 (2004), establishing a committee of the Security Council and a group of experts on the implementation of the arms embargo imposed by paragraph 20 of resolution 1493 (2003) in the Democratic Republic of the Congo.

The members of the Security Council heard, on 31 March, a briefing by the Under-Secretary-General, who presented the fifteenth progress report on the implementation of resolution 1417 (2002) and provided further details on recent developments in the situation in the Democratic Republic of the Congo, in particular the events of 28 March in Kinshasa.

The Under-Secretary-General indicated that, since the report's publication, progress had been made on several aspects:

- The transition process: extension of State authority (distribution of gubernatorial and vice-gubernatorial posts), implementation of the legislative agenda.

- Security sector reform (training of two battalions by Belgium, appointment of the coordinator and deputy coordinator of the programme of disarmament, demobilization and reintegration).
- Security situation: the Council of Ministers decided on 30 March to establish an inter-ministerial commission of inquiry into the shooting incidents in Kinshasa on 28 March.
- MONUC carried out a series of actions in order to enforce the "Ituri without weapons" and the "Bukavu weapon-free zone" policies.
- The programme of disarmament, demobilization, repatriation, resettlement or reintegration benefited 10,420 combatants as of 29 March.
- Regional relations: the second meeting of the joint Democratic Republic of the Congo-Uganda bilateral security commission could be held, facilitated by MONUC.

Despite noticeable progress, the situation in the Democratic Republic of the Congo remains fragile, notably because of the tensions dividing the Transitional Government. The Under-Secretary-General stressed that the next few months would be critical for the transitional process.

The members of the Council expressed their concern regarding the stagnation of the peace process and the deterioration in the humanitarian situation, and strongly condemned the recent attacks against the personnel of MONUC. They called for the acceleration of the implementation of the Global and All-Inclusive Agreement, the carrying out of security sector reform, the normalization of relations between the Democratic Republic of the Congo and neighbouring countries, the quick launching of the programme of disarmament, demobilization and reintegration, and the continuing support of the international community. They appealed for the convening this year of an international conference on the Great Lakes.

A statement to the press was adopted at the end of the meeting (see appendix).

Sierra Leone

The members of the Council heard, on 26 March, a briefing by the Special Representative of the Secretary-General for Sierra Leone, Daudi N. Mwakawago, who reported that the peace process was being consolidated and significant progress was being made in many fields. However, the challenges were enormous. Sierra Leone was a very poor country with tremendous potential (especially in mining, agriculture, fisheries and tourism).

The process of disarmament, demobilization and reintegration had been completed (dealing with over 70,000 ex-combatants) but there were still concerns relating to the economy's capacity to generate sufficient employment for ex-combatants and unemployed youths. Sierra Leone had successfully reintegrated all internally displaced persons. Voter registration for the local government elections was concluded on 28 February, with the logistical support of UNAMSIL.

The Government had taken important measures to assert its control over the diamond industry, but illicit mining was still a major problem.

In view of the challenges still facing Sierra Leone, the key security benchmarks would not be fully met at the expiration of the mandate of UNAMSIL

in December 2004. The major concern centred on the inability of the Sierra Leone police to attain its full strength until mid-2005 and the weak capacity of the armed forces, in view of the country's fragile security situation and stability.

Thus, the Secretariat was urging the Council to consider the recommendations in the report of the Secretary-General concerning the retention of a United Nations peacekeeping presence in Sierra Leone for a period of one year, to enable the Government to prepare to assume its security responsibilities in due course.

The members of the Council generally supported the approach put forward by the Secretariat and decided, in resolution 1537 (2004), adopted on 30 March, to renew the mandate of UNAMSIL for six months and to maintain a United Nations peacekeeping presence in Sierra Leone into 2005.

West Africa (cross-border issues)

The Security Council held a public meeting on 25 March on cross-border issues in West Africa, under the presidency of the French Minister for Cooperation and Francophonie, Pierre-André Wiltzer, in the presence of the Secretary-General and the Minister for Foreign Affairs of Ghana, Nana Akufo-Addo. The Council heard statements by the Executive Secretary of ECOWAS, Mohamed Ibn Chambas; the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Jan Egeland; and the Associate Administrator of UNDP, Zéphirin Diabré. Besides members of the Council, the representatives of Ireland, on behalf of the European Union countries, and Japan made statements, as donor countries.

The members of the Council supported the Secretary-General's recommendations, in particular with regard to the issues identified, the strengthening of coordination among United Nations missions in the region, the call for close coordination of United Nations action with regional organizations, and the attention that should be brought to the implementation of disarmament, demobilization and reintegration programmes. They recognized the importance of development aspects in the prevention and settlement of conflicts, as most countries belonged to the group of the least developed countries.

A presidential statement (S/PRST/2004/7) was read out at the end of the meeting, which outlined several practical orientations on the coordination of United Nations interventions and the role of local and international actors in the West Africa region. It established a set of actions to be taken by the United Nations system (coordination of the activities of the peacekeeping operations in the region, sharing of resources, better coordination with ECOWAS, harmonizing of the disarmament, demobilization and reintegration programmes, possibility of cross-border military operations), ECOWAS (implementation of the 1998 moratorium on light weapons, establishment of a regional register of small arms and light weapons) and other partners (call for the support of donor countries).

Asia

Afghanistan

On 24 March, the members of the Security Council first heard a public briefing by the Assistant Secretary-General for Peacekeeping Operations, Hédi Annabi, on

recent developments in Afghanistan and the report of the Secretary-General recommending the renewal of the mandate of UNAMA for 12 months.

The Assistant Secretary-General gave details on the ratification of the constitution that helped clarify the types of elections that would eventually be held, if possible simultaneously. A decision should be made in the very near future on the timing of the elections.

The first phase of the voter registration project had been completed on target (1.56 million voters out of 1.9 million eligible in the eight main cities).

Security remained of the essence to ensure the success of the process. The Secretariat welcomed the deployment of additional provincial reconstruction teams, but the fierce fighting which had occurred in Herat on 21 March was evidence that the situation was not stabilized yet. More police officers had to be trained (4,339 at present).

The country's economy was still complicated by illegal drug production, which was being fought but remained a major challenge.

During closed consultations, the members of the Council shared the preoccupations set out in the Secretary-General's report and hoped that the upcoming Berlin conference would be an opportunity to examine in depth the difficulties Afghanistan had to face. They agreed on the renewal of the mandate of UNAMA by resolution 1536 (2004), which was adopted on 26 March.

Iraq

On 2 March, the members of the Council agreed to condemn in the strongest possible terms the terrorist attacks in Iraq (Baghdad and Kerbala) in a statement to the press (see appendix).

During the formal meeting held on 24 March, the President of the Council was authorized to make a presidential statement (S/PRST/2004/6) supporting the Secretary-General's decision to dispatch to Iraq his Special Adviser and his team, in order to lend assistance to the Iraqi people in the formation of an interim government to which sovereignty would be transferred on 30 June 2004 and in the preparations for direct elections to be held before the end of January 2005.

United Nations Monitoring, Verification and Inspection Commission

The members of the Council heard, on 5 March, a briefing by the Acting Executive Chairman of UNMOVIC, Demetrius Perricos, who introduced the sixteenth quarterly report on the activities of the Commission, following the meeting of the College of Commissioners on 24 February.

The Acting Executive Chairman mentioned the main conclusions contained in the three appendices, which showed that no weapons were presented by Iraq or found by the United Nations inspectors and destroyed after 1994, except for remnants recovered from the unilateral destruction by Iraq and what was destroyed by UNMOVIC early in 2003. Pending a Security Council decision on its future mandate, as envisaged in resolution 1483 (2003), UNMOVIC had continued its work, in preparation for resuming its activities in Iraq, or for any other specific activities that the Council might wish it to undertake.

The work had mainly focused on two areas, namely, the preparation of a "compendium" on the nature and extent of Iraq's proscribed weapons of mass destruction and related programmes, and working out modifications to the ongoing monitoring and verification plan.

UNMOVIC was hoping that, when the work was completed, it would provide useful information on the nature and extent of Iraqi weapons programmes and help to resolve any uncertainties that might remain after the disarmament of Iraq was confirmed. The Acting Executive Chairman indicated his intention of setting up an international panel of technical experts to assist in that regard.

UNMOVIC now numbered 24 experts drawn from 14 nationalities. It needed to recruit some staff in selected areas. UNMOVIC stood ready to resume its operations in Iraq when the United Nations returned and also to provide its expertise in any area that the Council might determine. An early discussion of this matter was desirable.

In this respect, some members of the Council stressed that it was still premature to engage in a discussion on the revision of the UNMOVIC mandate.

Others on the contrary thought a discussion on this matter should be held sooner rather than later. Several members hoped that UNMOVIC expertise would be preserved and used in backing international efforts regarding non-proliferation. Other members were of the view that, in the changed circumstances, it would be appropriate to terminate its mandate.

Middle East, including the Palestinian question

On 18 March, the members of the Council heard a public briefing by the Assistant Secretary-General for Political Affairs, Danilo Türk, on the situation in the Middle East.

He underlined the increase in violence and suffering: 101 people had lost their lives — 80 Palestinians and 21 Israelis. At the same time, a small window of opportunity for restarting the peace process remained open.

In the aftermath of the recent suicide bombings, the planned meeting between the Israeli and Palestinian Prime Ministers had been called off. He urged the two men to meet and begin to work together to implement the Quartet's road map. Prime Minister Sharon's welcome announced decision to withdraw the Israeli presence from the Gaza Strip could be a positive contribution to the search for peace, if it were carried out as part of the road map, in consultation with the Palestinian Authority, and if the withdrawal were full and final.

The humanitarian situation remained dire and UNRWA might soon be obliged to severely cut back its activities because of a sharp drop in its emergency funding (only $45 million pledged so far of the $193 million requested for 2004).

In south Lebanon, the situation continued to be worrisome because of explosive devices planted by Hezbollah along the Blue Line and Israeli air violations of Lebanese airspace.

Meeting in private consultations, the members of the Council generally shared the views expressed by the Secretariat. Most of them deplored the continuing

violence and recalled the need to achieve a global peace, by resuming political dialogue and implementing the road map.

On 22 March, the members of the Council had an exchange of views following the assassination of the spiritual leader of Hamas, Sheikh Ahmed Yassin, and decided to continue their discussions at the expert level.

Following private consultations on the morning of 23 March, they decided to hold an open debate in the afternoon, which was attended by many delegations. The draft resolution subsequently presented by Algeria and Libya could not be adopted, because of the negative vote of a permanent member.

Americas

Haiti

On 5 March, the members of the Council heard an update by the Under-Secretary-General for Humanitarian Affairs on the humanitarian situation in Haiti.

He emphasized that the recent events had occurred during what was already a silent humanitarian emergency in Haiti. The population had been living in extremely precarious conditions (42 per cent of the population below the poverty line).

The areas of health services, food security and education were the most affected by the present crisis. A total of 1,400 people had attempted to seek refuge in neighbouring countries. The humanitarian agencies had had no access to their beneficiaries for several weeks. Only 45 humanitarian staff remained in Port-au-Prince. The UNDP Resident Coordinator had been designated as Humanitarian Coordinator for Haiti. WFP had resumed food distribution in the capital city and UNICEF had sent 30 tons of medical and sanitary supplies. ICRC and non-governmental organizations had been active in re-establishing the medical and hospital system. The Coordinator was to open up humanitarian corridors and five regional hubs.

Finally, a Flash Appeal for Haiti would be launched early the following week to the main contributors to meet the most urgent needs. The members of the Council thanked the Under-Secretary-General for this detailed information and agreed on a statement to the press (see appendix).

On 23 March, the members of the Council heard a briefing by the Assistant Secretary-General for Political Affairs on the situation in Haiti, following the adoption of resolution 1529 (2004).

He stated that the Multinational Interim Force had deployed in the capital and other areas of the country to contribute to a secure and stable environment. The deployment of 2,800 Canadian, Chilean, French and United States troops had allowed for considerable progress in stabilizing a situation characterized by a collapse of public structures, looting, and widespread violence. Calm had been restored in Port-au-Prince and there was still an urgent need for increased security in other localities.

The Secretariat was continuing close consultations with the Multinational Interim Force with the aim of facilitating the transition to a United Nations operation. The Assistant Secretary-General provided information on recent political

developments and the swearing-in of a new interim Cabinet, on the human rights situation, which was still a major concern, and the humanitarian situation, with the opening of a secure corridor from Port-au-Prince to Cap Haïtien and the resumption of activities by the United Nations agencies.

Hocine Medili was conducting a multidisciplinary assessment mission under the auspices of the Secretary-General's Special Adviser, John Reginald Dumas, who would soon report to the Council.

The members of the Council then took note of the presentation given by the United States delegation in the name of the countries participating in the Multinational Interim Force. They welcomed the agreement of CARICOM to participate in a forthcoming United Nations stabilization force and stressed that the international community should be mobilized in order to create the necessary conditions to restore a secure political, social, economic and humanitarian environment in Haiti in the long term.

The members of the Council held consultations on 30 March with the Special Adviser to the Secretary-General, who was back in New York, after staying in Haiti, visiting countries of the area and attending the CARICOM Summit in St. Kitts. He said that more information would be provided to the Council when it received the detailed report of the assessment team.

The most important question at present was security. The situation in Port-au-Prince had more or less returned to normal. But outside the capital there were still difficulties, especially in the northern part of the country where armed groups were still active. Since the deployment of the Multinational Interim Force, the security situation was much better overall than a month before.

A democratic process had been followed to choose a Cabinet, consisting of technocrats. The economic situation was of concern, with an alarming absence of government services in many sectors and a public health service in collapse.

The Special Adviser emphasized that the biggest challenge was building institutions in Haiti to replace the ones which had disappeared. He had met with the CARICOM countries and intended to go to Washington to meet with OAS.

The Special Adviser finally stated that, after 10 years of international interventions in Haiti, there was a need to change the way of approaching the problem and to learn from the lessons of the past.

There were real urgencies at the moment in Haiti, from garbage collection to water and electricity, health, education and of course police recruitment (only 2,000 active officers). Later, a truth and reconciliation commission could be established and the electoral process set up.

The members of the Council focused on the question of the disarmament of armed groups, the need for national reconciliation and elections to be organized in a reasonable time. They agreed that the most urgent need was the stabilization of the country and creating the necessary conditions for security.

Europe

Bosnia and Herzegovina

The members of the Council heard, on 3 March, a briefing by Lord Paddy Ashdown, High Representative for the implementation of the Peace Agreement, on the situation in Bosnia and Herzegovina.

He stressed the progress made by Bosnia and Herzegovina concerning indirect tax and customs reform, the establishment of State-level command and control over the armed forces, the creation of a unified intelligence and security agency, and the implementation of the new unified statute for the city of Mostar.

Some reforms were still to be completed; however, the creation of a State-level high judicial and prosecutorial council, the creation of a State information and protection agency, the establishment of a domestic capacity to prosecute war criminals, the completion of the work of the Srebrenica commission and the implementation of the United Nations-led police certification process.

The High Representative also stressed the extent of the economic difficulties and announced the launching of phase 2 of the "bulldozer initiative", which should allow the Bosnian economy to reach growth and produce job creation.

In their interventions, the members of the Council welcomed the improvements in the country's situation. They expressed support for the action of the High Representative.

They called on the Government of Bosnia to continue its efforts, particularly in carrying out the Security Council's resolutions and its international obligations concerning the decertification of police officers, arresting war criminals and collaborating with the International Tribunal for the Former Yugoslavia.

The members of the Council expressed their concern regarding the economic and social difficulties of Bosnia and Herzegovina, the ethnic divisions that remained, and the political tensions within the current majority.

Some members of the Council underlined the importance of the future adhesion of Bosnia and Herzegovina to the Euro-Atlantic institutions (NATO partnership for peace, stabilization and association agreement with the European Union).

Kosovo (Serbia and Montenegro)

On 18 March, the Security Council held an emergency public meeting in the presence of the Secretary-General, the Vice-Chancellor and Minister for Foreign Affairs of Germany, Joschka Fischer, and the Minister for Foreign Affairs of Serbia and Montenegro, Goran Svilanovic, to respond to the sudden deterioration of the situation in Kosovo on 17 March.

The members of the Council strongly condemned the outbreak of large-scale ethnically motivated violence in Kosovo and insisted on the necessity of restoring security and prosecuting the authors of ethnic violence.

They encouraged the international community to continue its efforts to bring back calm to the province.

They reiterated their support for the Special Representative of the Secretary-General, for UNMIK and KFOR, and called for full implementation of resolution 1244 (1999) so as to make progress in the building of a democratic and multi-ethnic Kosovo.

They exhorted all communities in Kosovo to moderation and stressed the necessity of resuming dialogue as quickly as possible.

A presidential statement (S/PRST/2004/5) was read out at the end of the meeting.

The members of the Council also issued a statement to the press on 26 March condemning the killing of two policemen (see appendix).

Thematic issues

In the aftermath of the terrorist attacks in Madrid on 11 March, the Council adopted resolution 1530 (2004) on the same day.

Counter-Terrorism Committee

On 4 March, the Security Council held an open debate on the Counter-Terrorism Committee. Ambassador Arias, Permanent Representative of Spain, Chairman of the Committee, opened the debate by informing the Council about three main issues: first, the work of the Committee during the months of October, November and December 2003; secondly, the mainlines of its tenth programme of work; and thirdly, the main aspects of the report of the Committee on its own revitalization, which was approved on 19 February.

- During the last three months of 2003, the Committee had completed the review of reports from Member States on their implementation of resolution 1373 (2001), approving 44 reports and reviewing 37. It continued to expand contacts and cooperation with relevant international, regional and subregional organizations. Its Chairman had made a trip to Europe, during which he visited four capitals and met with eight organizations.

- The Committee would continue to study the reports of Member States on their implementation of resolution 1373 (2001) and to provide technical assistance to States when needed. It would also review the conclusions of the meeting in Vienna on 12 March, hosted by OSCE.

- The report of the Committee of 19 February on its own revitalization was circulated as a document of the Security Council. The goal of the revitalization exercise was to provide the Committee with the means to become more operational, more proactive and more visible, in order to strengthen the fight against terrorism by giving it further means to fulfil its mandate of monitoring the implementation of resolution 1373 (2001).

The revitalized Committee would maintain its present structure of the plenary (members of the Security Council) and the Bureau, and a Counter-Terrorism Committee Executive Directorate would be created that would reorganize the present staff of experts and secretariat. A resolution would be needed for the full implementation of the revitalization.

After the members of the Council, 21 delegations took part in the debate, which was mainly focused on the question of the revitalization, generally considered as necessary to reinforce the efficiency of the Committee. Other topics mentioned by the participants were the need for the international community to continue fighting terrorism, in particular its financing and its root causes, such as poverty and armed conflict, and to respect human rights in doing so.

On 26 March, the Council adopted resolution 1535 (2004), on the revitalization of the Committee and, on 30 March, the President made a statement regarding the continuation of the current arrangements for the Bureau of the Committee for another six months (S/PRST/2004/8).

International Criminal Tribunals for the Former Yugoslavia and Rwanda

On 26 March, the Security Council adopted resolution 1534 (2004) on the International Criminal Tribunals for the Former Yugoslavia and Rwanda, in which it reiterated its calls for cooperation from regional States, reaffirmed the completion strategy outlined in resolution 1503 (2003), and established a periodic semi-annual dialogue between the Council and the Presidents and Prosecutors of the two Tribunals on progress made towards achievement of the completion strategies.

Appendix

Statements to the press made by the President of the Security Council in March 2004

Burundi (22 March)

This morning, the members of the Security Council heard a statement by Mr. Sadry, head of the assessment mission recently sent by the Secretary-General to Burundi, on recent developments in the situation in that country.

The Council members reaffirmed their full support for the peace process under the Agreement signed in Arusha on 28 August 2000, and for the transitional authorities.

They once again expressed concern at the continuing fighting and urged all the parties concerned to exercise restraint. They urged the Forces nationales de libération (Palipehutu-FNL), led by Mr. Rwasa, and the Government to complete the talks with a view to promoting, as soon as possible, a complete cessation of hostilities and the participation of Palipehutu-FNL in the transitional institutions.

They encouraged the transitional authorities to enact without delay the laws and regulations required for the holding of elections within the time limits provided for by the Arusha Agreement.

The Council members took note of the progress made in the preparation of the programme for the disarmament, demobilization and reintegration of combatants and called on the parties to firmly commit themselves to it without delay. They encouraged international financial institutions and donor countries to support the programme.

The members of the Council paid tribute to the efforts made by the States of the Regional Initiative on Burundi and the Facilitation, in particular South Africa, as well as by the African Union, to bring peace to Burundi. They also hailed the efforts of the African Mission in Burundi (AMIB), and of the South African, Ethiopian and Mozambican contingents which make it up.

The members of the Council took note of the recommendations contained in the latest report of the Secretary-General on a peacekeeping operation in Burundi. Without prejudice to the action that the Council might wish to take on those recommendations, they invited the African Union to consider extending the mandate of AMIB, due to expire on 2 April 2004. They called on the international community to provide AMIB with such financial, material and logistical support as it might need in the meantime.

Côte d'Ivoire (26 March)

The members of the Security Council expressed grave concern at the events that occurred in Côte d'Ivoire, in particular in Abidjan, on 25 March.

They emphasized that the Council had endorsed the Linas-Marcoussis Agreement. That political agreement is the only solution to the crisis in Côte d'Ivoire.

The members of the Council recalled the Council's commitment to support the process of peaceful settlement in Côte d'Ivoire, as evidenced by its decision to deploy a peacekeeping force with a clear and robust mandate.

The members of the Council emphasized that all the Ivorian parties must make the same commitment. No progress can be achieved in the implementation of the Linas-Marcoussis Agreement without the resolve and commitment of all the Ivorian parties themselves. It is up to them, first and foremost, to fully implement the Linas-Marcoussis Agreement, without preconditions, as they committed themselves to doing in January 2003.

The members of the Council stressed that it is essential to proceed immediately and simultaneously with the implementation of all the commitments made under the agreement. They emphasized in particular that it is urgent to adopt the key texts provided for in the Linas-Marcoussis Agreement, to begin operations to disarm combatants, to ensure the redeployment of the administration throughout the territory.

The members of the Council stressed that it is imperative for all the Ivorian parties to remain fully engaged in the Government. They urge all the Ivorian parties to act with responsibility and restraint in the interest of Côte d'Ivoire and the Ivorian people. The members of the Council emphasized that the Ivorian authorities are responsible for ensuring the security of all the citizens.

Democratic Republic of the Congo (2 and 31 March)

2 March

The members of the Security Council heard this morning a briefing by the Under-Secretary-General for Peacekeeping Operations, on recent developments in the eastern part of the Democratic Republic of the Congo.

The members of the Council reaffirmed their full support for the current efforts of the Government of National Unity and Transition, as well as for the Special Representative of the Secretary-General and the personnel of MONUC. They commended inter alia the role of MONUC in helping to resolve recent tensions in Bukavu and to respond to violence in Ituri, and called on all parties involved to work together in the interests of the transition in the Democratic Republic of the Congo.

The members of the Council took note with concern of the violence and killings carried out by certain armed groups in the region, who attacked local populations and MONUC. They condemn these atrocities with the utmost firmness, as well as propaganda against MONUC and, to make it clear to the armed groups that such actions will no longer be tolerated, they support the action already taken by MONUC, which has a robust mandate.

The members of the Council called upon the Congolese transitional authorities to exercise fully their responsibilities in the eastern part of the country, and in particular to do everything possible so that those responsible for these crimes do not remain unpunished. They underlined the importance of appointing the provincial governors, which must be done without delay, and in a transparent and consultative manner.

The members of the Council urged all countries in the region to accelerate the normalization of their relations. They call upon the States in the region to play a constructive role, in particular by ensuring, in liaison with the Government of National Unity and Transition and with MONUC, that armed groups operating in Ituri and in North and South Kivu be prevented from receiving support from their territory.

31 March

The members of the Security Council heard this morning a briefing by the Under-Secretary-General for Peacekeeping Operations, on the situation in the Democratic Republic of the Congo. Aware of the difficulties that need to be overcome to carry through the peace and national reconciliation process, they reaffirmed their full support for the efforts undertaken by the Government of National Unity and Transition. They also underlined their support for the Special Representative of the Secretary-General and the personnel of MONUC, particularly in the light of the killing of a United Nations peacekeeper in Bukavu on March 29.

The Council expressed its concern over the serious incidents in Kinshasa on 28 March, and called on all parties to ensure that the transition was not jeopardized. They hope that all will be made clear about this serious incident in a swift and transparent manner. They observed with appreciation the cohesion displayed by the President of the Republic and the four Vice-Presidents, and the swiftness of the Government of National Unity and Transition's response.

The members of the Council called upon the Congolese leaders to make every effort possible to proceed with the full implementation of the Global and All-Inclusive Agreement on the Transition. They appealed to them in particular to take the steps necessary for the disarmament, demobilization and reintegration of combatants, the reform of the security sector, the full re-establishment of State authority and the successful organization of elections.

They recalled the importance the Security Council attaches to respect for the unity and sovereignty of the Democratic Republic of the Congo. They remain in this regard particularly attentive to continuing violence and human rights abuses, particularly in the eastern part of the country. They firmly condemned ongoing incidents and reminded the parties that there will be no impunity.

The members of the Council stressed the importance of pursuing all efforts aimed at expediting the convening of the international conference on the Great Lakes and the Central African region. They encouraged the Democratic Republic of the Congo and its neighbours, particularly to the east, to continue to improve their bilateral relations and cooperation.

They further urged all parties and States in the region to respect the arms embargo and to refrain from any support to armed militias in the eastern part of the Democratic Republic of the Congo.

Iraq (2 March)

The members of the Security Council condemn in the strongest possible terms today's horrendous terrorist attacks in Baghdad and Kerbala, which have reportedly resulted in more than a hundred dead and injured hundreds more, with the sole and

deliberate purpose of exacerbating tensions between religious communities in Iraq on this holy day celebrating Ashura.

The members of the Council express their deepest sympathy and condolences to all the victims of the attacks and their families.

The members of the Council reiterate their full support to the efforts of the Iraqi people to rebuild their country and advance the political transition.

Haiti (5 March)

The members of the Security Council heard a presentation by the Under-Secretary-General for Humanitarian Affairs, Jan Egeland, who described the humanitarian situation on the ground and the response expected of the international community, in particular the United Nations agencies.

The Under-Secretary-General highlighted the need for emergency aid in the key sectors of food, health care, water and sanitation, noting the critical importance of restoring security as a condition for access to vulnerable Haitians.

The members of the Council reiterated their call for all parties to provide safe and unimpeded humanitarian access as called for in resolution 1529 (2004).

The members of the Council stressed the importance of a Flash Appeal to be made on behalf of Haiti next week, in both Port-au-Prince and New York, and urged generous and timely international support.

The members of the Council welcomed the contributions of the troop contributors and took note of the information provided on the deployment of the Multinational Interim Force on the ground in Haiti.

The members of the Council also welcomed the fact that the Force would continue to coordinate, as needed, with the Special Adviser for Haiti and the OAS special mission to prevent further deterioration of the humanitarian situation.

The members of the Council will continue to follow closely developments in Haiti, including the evolution of the humanitarian situation.

Kosovo (26 March)

The members of the Security Council strongly condemned the killing on 23 March in Kosovo of two policemen, one UNMIK officer from Ghana and one Kosovo Police Service officer. They extended their condolences to the families of the victims and also to the Government of Ghana.

The members of the Council reaffirmed that any attack on the international presence or the law enforcement agencies in Kosovo is intolerable. The members of the Security Council called on the Provisional Institutions of Self-Government and all inhabitants of Kosovo to cooperate with UNMIK and KFOR in support of the police investigation, so that those responsible for the killing of the police officers and other violent crimes may be brought to justice.

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Security Council

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Letter dated 27 April 2004 from the Permanent Representative of India to the United Nations addressed to the President of the Security Council

The delegation of India has learned that the Security Council is scheduled to take action shortly on the draft resolution on non-proliferation contained in document S/2004/326.

India conveyed its position on the draft resolution in the open debate of the Security Council on 22 April. As mentioned in that statement, we perceive the draft resolution as a further step in the process initiated by India in the General Assembly on measures to prevent terrorists from acquiring weapons of mass destruction, and as such we generally support it. Our approach has been that of a responsible State possessing nuclear weapons. We take note of the recognition in the draft of the inherent and mutually reinforcing linkage between disarmament and non-proliferation.

My Government would like to reiterate its unwavering commitment to contributing to global efforts for preventing the proliferation of weapons of mass destruction and their means of delivery.

At the same time, I wish to state the following:

- India is concerned at the increasing tendency of the Security Council in recent years to assume legislative and treaty-making powers on behalf of the international community, binding on all States, a function not envisaged in the Charter of the United Nations.
- India has taken note of the observation of cosponsors that the draft resolution contained in document S/2004/326 does not prescribe adherence to treaties to which a State is not a party. India cannot accept any obligations arising from treaties that India has not signed or ratified. This position is consistent with the fundamental principles of international law and the law of treaties.
- India will not accept externally prescribed norms or standards, whatever their source, on matters within the jurisdiction of its Parliament, including national legislation, regulations or arrangements, which are not consistent with India's constitutional provisions and procedures or are contrary to India's national interests or infringe on its sovereignty.

In view of the importance of the subject, I would request that the present letter be circulated as a document of the Security Council.

(*Signed*) V. K. **Nambiar**

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United Nations S/2004/330

Security Council

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Draft resolution

The Security Council,

Recalling all its previous resolutions on Western Sahara, and reaffirming, in particular, resolution 1495 (2003) of 31 July 2003,

Reaffirming its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect,

Having considered the report of the Secretary-General of 23 April 2004 (S/2004/325),

1. *Reaffirms* its support for the Peace Plan for Self-Determination of the People of Western Sahara as an optimum political solution on the basis of agreement between the two parties;

2. *Reaffirms also* its strong support for the efforts of the Secretary-General and his Personal Envoy in order to achieve a mutually acceptable political solution to the dispute over Western Sahara;

3. *Calls upon* all the parties and the States of the region to cooperate fully with the Secretary-General and his Personal Envoy;

4. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 October 2004;

5. *Requests* that the Secretary-General provide a report on the situation before the end of the present mandate and *requests* the Secretary-General to include in this report an evaluation of the mission size necessary for MINURSO to carry out its mandated tasks, with a view towards its possible reduction;

6. *Decides* to remain seized of the matter.

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Letter dated 23 April 2004 from the Secretary-General addressed to the President of the Security Council

The United Nations Tajikistan Office of Peace-building (UNTOP) was established on 1 June 2000 with the support of the Security Council following the withdrawal of the United Nations Mission of Observers in Tajikistan. In view of the important and positive role being played by UNTOP, I decided last May to extend the mandate of the Office for an additional period of one year until 1 June 2004 and informed members of the Security Council accordingly.

The Office continues to make an important contribution to addressing the challenges of the country's post-conflict transition. It provides the political framework and leadership for the peace-building activities of the United Nations system in Tajikistan and works to create and strengthen the political conditions for the irreversibility of the peace process. Accordingly, UNTOP encourages the continuation of national dialogue and reconciliation, facilitates the strengthening of democratic institutions and conflict-prevention mechanisms, promotes the rule of law and contributes to building national capacity in the area of human rights.

In support of dialogue and national reconciliation, during the past year UNTOP conducted 11 sessions of the Political Discussion Club on political pluralism, democratization, and consolidation of peace in Tajikistan. Over 1,300 officials from the central Government and local administrations, leaders of political parties and representatives of civil society participated in sessions in all provinces of the country. As a result of the Club's catalytic effect, new forms of partnership between the State and civil society have emerged and conditions have improved for the freer functioning of political parties. For the first time, representatives of political parties, including those in opposition, participated in central and district-level election commissions during the June 2003 constitutional referendum. Besides promoting political tolerance and dialogue, which has a healing effect on post-conflict communities, Club meetings produced concrete recommendations for Parliament on changes to the laws on local governance and parliamentary elections. The Club also contributed to the improvement of the accountability and transparency of local Government, allowing citizens to voice their concerns with officials, and the promotion of social partnership between the State and civil society.

The Office has continued to maintain close contact with the parties to the 1997 General Agreement on the Establishment of Peace and National Accord in Tajikistan in order to support the spirit of political compromise, facilitate dialogue and strengthen the still-fragile trust in Tajik society.

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In October 2003, UNTOP initiated a series of training seminars for State officials, political party functionaries and community leaders on conflict prevention and resolution. Focusing on strategies for resolving potentially explosive local issues, the seminars trained 90 participants and contributed to advancing the culture of political dialogue and debate in the country. Similar issues were addressed by UNTOP-organized seminars for media representatives and press secretaries of key government agencies.

With a view to promoting the rule of law in the country, the Office supported the development of national capacities of law enforcement agencies, seeking to accelerate their reform, combat corruption, and increase professionalism. The Office's civil police adviser worked closely with the Ministry of Interior to facilitate transition to peacetime policing in the country. UNTOP projects were aimed at expansion of forensics training and technical assistance as well as training on human rights standards for law enforcement officials. The Office organized round-table discussions on the draft "law on militia", which led to the introduction of provisions compatible with relevant international legal norms. UNTOP has also continued its support for the social integration of ex-combatants.

In the context of support to national capacity-building in the area of human rights, UNTOP implemented projects on treaty reporting and human rights education. The treaty reporting process has proved to be an important tool for implementing the country's international obligations in the field of human rights through improving national legislation and policies. The UNTOP human rights education project, which provided training to some 200 schoolteachers, has been an important instrument in building a culture of respect for human rights, tolerance and skills in conflict prevention. Mass media campaigns and the activities of the UNTOP-sponsored human rights information and documentation centre in the capital city raised awareness of human rights issues in the broader population as well. The Office continued to monitor closely human rights developments in the country and successfully intervened with the authorities in politically sensitive cases. Through its human rights thematic group, UNTOP facilitated coordination of the human rights activities of the United Nations country team, donors and international organizations.

During the past year the Office pursued project activities aimed at engaging youth at risk of involvement in drug trafficking and political extremism. Through cooperation with local non-governmental organizations, a resource centre was established in Dushanbe along with four centres for education in conflict prevention and human rights in those regions of the country where armed conflict had occurred.

The viability of the peace process in Tajikistan and the strength of its democratic institutions will be tested by parliamentary elections in early 2005. Upon the request of the Tajik Government, in April 2004 UNTOP facilitated a needs assessment mission led by the Electoral Assistance Division of the Department of Political Affairs. The assistance to be provided to Tajikistan aims at contributing to the improvement of the transparency and credibility of the 2005 parliamentary elections and at promoting democratization within the framework of the peace-building process. The holding of free and non-violent general elections in 2005 would be an important goal for UNTOP and an indicator of the achievement of its objectives.

In view of the important and very positive role being played by the Office, as well as the country's continuing need for support in its post-conflict peace-building efforts, and at the suggestion of the Government of Tajikistan, it is my intention to continue the activities of UNTOP for a further period of one year until 1 June 2005.

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Security Council

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Letter dated 28 April 2004 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 23 April 2004 (S/2004/331) concerning your intention to continue the activities of the United Nations Tajikistan Office of Peace-building for a further period of one year, until 1 June 2005, has been brought to the attention of the members of the Security Council. They take note of the information contained in your letter and the intention expressed therein.

(*Signed*) Gunter **Pleuger**
President of the Security Council

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Report of the Secretary-General on the United Nations Mission of Support in East Timor

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1410 (2002), in which the Council decided to establish, as from 20 May 2002 for an initial period of 12 months, the United Nations Mission of Support in East Timor (UNMISET). In paragraph 13, the Security Council requested the Secretary-General to keep it closely and regularly informed of progress towards implementation of the resolution, including, in particular, progress towards achievement of the milestones in the mandate implementation plan. In resolution 1480 (2003), the Security Council extended UNMISET for a further 12-month period until 20 May 2004.

2. In my special report on UNMISET of 13 February 2004 (S/2004/117), I indicated that, notwithstanding the significant progress that had been made since UNMISET's establishment, Timor-Leste would continue to require international support in a number of areas to reach a threshold of self-sufficiency. In this context, I recommended the extension of UNMISET, in a reduced size and with a modified mandate, for a further one-year consolidation phase beyond the conclusion of the present mandate on 20 May 2004.

3. The present report reviews the activities of UNMISET since my last report, and further develops my proposals for UNMISET's consolidation phase.

II. Recent political developments in Timor-Leste

4. During the reporting period, several important steps were taken towards preparation for Timor-Leste's first elections since the country's celebration of its independence on 20 May 2002. On 10 February 2004, President Gusmão promulgated a village elections bill that provided for the establishment of the National Electoral Commission, which was sworn in on 19 March 2004 by the President of the National Parliament. On 26 March, the President signed a bill regulating political parties. On 1 April the President also signed a decree-law defining the roles and functions of the village heads and councils, which completes the legal framework for these elections. It is planned to hold the elections during the last quarter of 2004. The elections will pose a significant logistical challenge for the Government, particularly with regard to voter registration, which is currently

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scheduled to begin on 31 May 2004, with final voter lists to be published on 20 September; significant bilateral assistance will be crucial for their success.

5. Further, significant progress has also been made towards the adoption of legislation for key public institutions, as identified in my special report. The National Parliament adopted the Civil Service Act on 19 April and the Organic Law on the Office of the Presidency on 20 May. The adoption of the latter legislation should pave the way for progress towards establishment of two other constitutional bodies, the Superior Council of Defence and Security and the Council of State. The Parliament is also currently considering a bill related to the Provedor for Human Rights and Justice, an independent institution which could make an important contribution to supporting good governance and civil rights, as well as one related to commercial enterprises. On 15 April the Council of Ministers approved a government resolution on the Organic Structure of the Interior Ministry, after it was considered by the Inter-Ministerial Commission on Internal Security. However, the organic law on the Policia Nacional de Timor-Leste (PNTL), also referred to the Commission, has yet to be approved. It is urgent that further progress be made in that area, which will have a crucial impact upon the development of Timor-Leste's police, and upon the international community's ability to support that process.

6. A defence act and acts related to the establishment of other constitutional bodies with security responsibility are in various stages of preparation and consideration. Their enactment, following the necessary consultation, is vital for the long-term viability and sustainability of Timor-Leste's security structure. Furthermore, as emphasized in my previous report, it is essential for the effective maintenance of law and order that a basic level of clarity concerning the roles of Timorese police and armed forces, particularly with regard to back-up arrangements for support to the civil power, be established in advance of 20 May. On that date, Timor-Leste will assume full responsibility for internal and external security of the country, and UNMISET's role would be reduced to one of support only in exceptional circumstances.

7. The need for progress in clarifying Timor-Leste's security policy and structure is also apparent from preliminary findings emerging from reviews of the 25 January 2004 incident in Los Palos, where members of the Timorese armed forces (F-FDTL) became involved in a confrontation with the PNTL. Three separate inquiries have been established: an Independent Commission of Inquiry headed by President Gusmão, a criminal investigation led by the Prosecutor General, and an internal inquiry. Initial indications from these reviews suggest that the F-FDTL is confronted with a number of serious institutional problems, including a poorly understood definition of its role, low morale, uncertain respect for discipline and authority, insufficient training of personnel, and unresolved relations with former combatants.

8. The contribution of former combatants was the subject of a study by the Veterans Commissions, whose mandate, under the authority of the Office of the President, concluded on 31 March. Release of its report, which will take place in the near future, may help address former combatants' desire for recognition. However, the list of those identified may not include all those who believe that they should be recognized. Only four applications from women were received and the Commission's concentration on the formal armed structures will probably mean that few, if any, women will be included in the final lists. Furthermore, it is not clear that

the recommendations would address expectations of material benefits on the part of applicants.

9. Regardless of progress made towards establishing legal and institutional frameworks, promotion of a culture of free political dialogue will remain essential for the Timorese nation to derive full benefits from the democratic institutions and procedures that are being established. In this connection, the importance of greater clarity concerning the activity that is permissible for public servants, and of clear and transparent disciplinary procedures, was highlighted by events surrounding a 6 March public rally that was convened in Suai by supporters of one of Timor-Leste's opposition parties. Following their participation in the rally, a number of civil servants and several police officers have faced investigations and various disciplinary actions, measures which have been questioned in the press and elsewhere.

10. More recently, some tensions have arisen following an immigration-related operation by Timorese police (PNTL), beginning on 8 April, in a mosque in Dili. It is essential that all efforts to ensure observance of necessary administrative procedures take full account of the humanitarian and other implications of such actions.

11. The development of relations between Timor-Leste and Indonesia continued to benefit from commitment to cooperation at the highest political levels. However, finalization of an agreement on a border line has remained elusive. Renewed political engagement by the leadership of both countries appears essential to advance in this area, which is of fundamental importance for the countries to enjoy security along their common border once international forces have withdrawn. Significant technical work has been completed, as reflected in preparation of an interim report of the Joint Border Committee, for which further input is expected from Indonesia. Nonetheless, for this technical process to support progress, it must benefit from a clear and narrow definition, through political discussions, of outstanding issues.

12. Political engagement is also necessary for the swift conclusion of arrangements for management of the border, including in the areas of cooperation on security and regulation of economic activity, and for implementation of agreements on the issuance of border passes and the establishment of a transit facility linking Oecussi with the rest of Timor-Leste, measures that are essential for economic and humanitarian reasons.

13. Efforts continued to address the problem of the former refugees remaining in camps in West Timor, on the basis of cooperation between the Governments of Indonesia and Timor-Leste, supported by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). A five-point strategy proposed by UNHCR and agreed by both Governments resulted in the relocation in the second half of 2003 of some 12,000 former refugees from camps to other areas of West Timor where they can more easily integrate in a sustainable manner, leaving a caseload of 16,000 remaining in West Timor. Less than 100 former refugees returned to Timor-Leste in the first three months of 2004, suggesting that the majority of these persons have decided, at least for the moment, to remain in Indonesia. Furthermore, despite significant progress in the reunification of Timorese children separated from their families in 1999, nearly 300 unresolved cases still demand attention.

14. In its resolution 1410 (2002), the Security Council stressed the critical importance of cooperation between Indonesia and Timor-Leste, and with UNMISET, to ensure that those responsible for serious crimes committed in 1999 are brought to justice. The serious crimes process under way in Dili represents an essential means by which to ensure that those guilty of such crimes should face justice, in accordance with the priorities of the Security Council. It is imperative that this process receive the fullest cooperation and support from all Member States.

15. The second round of negotiations on the maritime boundary between Timor-Leste and Australia began on 19 April 2004. Further talks are scheduled for September 2004. Progress in this area is crucial to permit full development of the petroleum and natural gas resources in the region, and to ensure appropriate and mutually agreed sharing of the benefits that result.

III. Contribution of the United Nations: achievements to date and proposals for assistance during the consolidation phase

A. Role of the Mission

16. Since the issuance of my special report, UNMISET has continued to work closely with the Government of Timor-Leste to support the development of its capacity and policies. At the same time, Timor-Leste's remaining requirements have become increasingly clear during the reporting period, and plans for peacekeeping support after 20 May 2004 have been further elaborated, building on the outline provided in my special report.

17. Based upon planning to date, it is proposed that UNMISET would be extended for a further one-year consolidation phase, in a reduced size, to discharge a modified mandate. As described in my special report, this mandate could comprise the following elements:

(a) To provide assistance to core administrative structures critical to the viability and political stability of Timor-Leste, and to the justice system;

(b) To contribute to the continuing development of the national police;

(c) To contribute to the maintenance of security and stability in Timor-Leste.

18. Internationally accepted human rights principles would continue to form an integral part of all advisory and capacity-building activities carried out in the consolidation phase.

19. UNMISET would support efforts by the Governments of Timor-Leste and Indonesia to resolve pending bilateral issues and support their cooperation, in particular their efforts to complete border demarcation and to develop appropriate mechanisms for the management of the border regions, and to ensure that those responsible for serious crimes in 1999 are brought to justice.

20. UNMISET would be headed by my Special Representative, whose office would include the units usually required in multidimensional peacekeeping operations, as well as advisers on gender affairs and HIV/AIDS, and a human rights capacity. The Mission would include a civilian component, a police component and a security component of formed units, as described below. Its work would be

organized within three broad programmes, corresponding to the three main areas of its mandate. These would be: support for the public administration and justice system, and for justice in the area of serious crimes; support to the development of law enforcement; and support for the security and stability of Timor-Leste.

21. These proposals would provide crucial assistance to allow Timor-Leste to reach a critical threshold of self-sufficiency, as noted above. However, they cannot do so alone. The progress that can be made will depend upon the readiness of the Timorese leadership to take full advantage of this short-term assistance, by making related practical and policy decisions in a timely manner. Nor will these measures suffice to ensure lasting gains; real progress will depend upon complementary bilateral support, both during and after this one-year consolidation phase.

22. Further detail regarding each of these programmes is provided below, in the context of an assessment of recent developments and current requirements.

Programme I
Support for public administration and justice in Timor-Leste

1. Support to the public administration and justice system

23. During the reporting period, Timor-Leste's civil servants have continued to increase their skills, and the structure of the public administration has been further developed. Recruitment and training of staff have continued, and civil servants themselves have been eager to assume and discharge their functions. UNMISET's 70 civilian advisers continue to assist in the development of the public administration, and have promoted the sustainability of skills transfer by preparing a variety of manuals and modules, and by training a limited number of Timorese trainers.

24. However, the speed of progress is limited by the complexity of the skills that are being imparted, and by the time required for the political discussions associated with development of these national institutions. As reflected above, key legislation is still in the process of adoption, in turn delaying preparation of regulations governing these institutions. Further assistance will be crucial to support the continued strengthening of Timorese capacities and the formulation of policy frameworks, and to ensure the country's stability and effective functioning during this process. This is particularly urgent in those areas that are critical to short-term stability and long-term sustainability, such as the Ministries of Finance and Interior, and the Office of the Secretary for Defence. Likewise, assistance will be essential for the establishment and operation of the Office of the Provedor, which would play a key role through its advocacy and oversight functions.

25. At the same time, grave problems within the system for the administration of justice have continued, with courts outside Dili inoperative for most of the time, reflecting extremely limited judicial and legal capacities. These inadequacies have serious implications for human rights, and the confidence of the Timorese people in the rule of law. Prisons legislation, which is awaiting approval by the Council of Ministers, would establish an internal oversight mechanism, an advisory board, and a code of conduct for prison staff. While some progress continues to be made through a programme for strengthening the justice system that is supported by the

United Nations Development Programme (UNDP), further assistance is essential to allow the system to function at even a basic level.

26. As proposed in my special report, the present configuration of 70 civilian advisers would be replaced after 20 May 2004 with a smaller group of 58 civilian advisers, with appropriately adjusted roles and skills. The objective of the civilian adviser component during UNMISET's consolidation phase would be to help Timor-Leste cross a critical threshold of self-sufficiency, in terms of formulation of necessary policy frameworks and development of key skills, while helping to ensure that essential tasks are discharged. This would include 19 advisers in the area of finance, 16 in other key ministries, including those related to security, and 8 within other organs of government. It would also include 15 advisers in justice-related areas, including 7 acting judges and judge mentors, who would help to promote the functioning of the court system, including within the districts and to reduce the backlog of pending cases, while supporting training of Timorese counterparts.

27. These advisers would assist in development of the necessary legal and regulatory frameworks and standard operating procedures; train Timorese counterparts; and assist with crucial tasks where necessary. Where further assistance or training is likely to be required after this year has concluded, advisers would help to identify sources of bilateral or multilateral assistance, in good time, for continued support. Terms of reference for all these positions have been prepared by State institutions, in consultation with UNMISET, and a provisional recruitment exercise for the advisers has already begun, pending approval of these proposals, to avoid undue loss of time.

28. For full advantage to be derived from the presence of this expertise, it will be essential that the leadership of Timor-Leste take the necessary steps to identify Timorese counterparts as soon as possible, particularly in the critical areas of customs, banking and payments authority, and the treasury; and to ensure that the necessary administrative arrangements are in place to allow the international advisers to assume their functions. Similarly, political commitment to rapid adoption of relevant legislation, in particular the organic laws of various state institutions, is essential if Timor-Leste is to make real progress in preparing institutional policy frameworks.

29. Beyond these 58 core positions, which target those areas that are most critical for the continuing stability and viability of the State, significant additional assistance will be required for other important elements of the administration to function and to develop. As noted in previous reports bilateral and multilateral support has proven unpredictable in its timing and availability, but it has made an important contribution whenever it has materialized.

30. In this context, Timor-Leste has identified to date a further 99 positions for financing by donors through UNDP. This list, coupled with direct agreements between the Government and bilateral donors, would replace the list of 200 posts where both multilateral and bilateral assistance had been sought during the first two years after 20 May 2002. This list would be presented at the conference of development partners in Dili which is currently scheduled to take place on 19 May 2004; its full consideration by the international community will have an important impact on the Timorese Administration's attainment of basic proficiency. Both the advisory positions that would be supported through UNMISET and the additional list of positions for support through UNDP fall within an overarching strategy for

strengthening the civil service, with a view to promoting coherence and efficiency among assistance efforts.

2. Support for justice in the area of serious crimes

31. The prosecution and trial of those accused of serious crimes has continued during the reporting period, with support from UNMISET. Results include completion of a trial resulting in one conviction and one acquittal; guilty pleas in three additional cases; and withdrawal of charges in yet another case. Overall, since the beginning of the serious crimes process, a total of 52 individuals have been tried by the Special Panels, with 50 convictions and 2 acquittals. Fifteen trials involving 35 accused present in the country are currently ongoing or pending before the Special Panels, and activity at the trial and appellate levels is expected to increase.

32. The investigative and indictment phase is already complete with regard to the 10 priority cases, as referred to in previous reports, but some investigations continue, notably including investigations of the killing of local United Nations staff during the popular consultation, for which at least one additional indictment is expected. One additional indictment was filed during the reporting period, bringing the total number of indictments filed to date to 82 and the total number of indictees to 369.

33. Provision of support for a further year for justice in the area of serious crimes is essential to reinforce the principle supported by the Security Council that those guilty of perpetrating serious crimes shall not enjoy impunity, as expressed inter alia in its resolutions 1272 (1999), 1319 (2002) and 1338 (2001). It would also reduce the risk of actions being taken outside the judicial process, which could otherwise have a destabilizing effect, and help to promote Timorese confidence in the rule of law.

34. This would entail continued provision of international support through UNMISET for both prosecution and defence and for the Special Panels for serious crimes. With a view to ensuring that the limited time and resources available are used to the best possible effect, assistance provided through UNMISET during this additional year would be focused on completion of investigations of the most egregious cases of violence, and bringing about the orderly and successful conclusion of pending cases, particularly the 10 "priority" cases, as well as of a very limited number of additional cases that may be presented to the Special Panels. This strategy would require reallocation of some resources from investigative activity in order to further support the timely completion of litigation at the trial and appellate levels.

35. However, the scale of the violence that took place, and the complex nature of the investigative and legal proceedings involved, suggest that this additional year of assistance may not be able to fully respond to the desire for justice of those affected by the violence in 1999. As this process advances, the international community may wish to give further consideration to additional measures that could advance the realization of justice.

36. The great majority of indictees are believed to be outside Timor-Leste. As noted above, it is essential that full cooperation be extended to the serious crimes process by all Member States.

37. The Commission for Reception, Truth and Reconciliation held final hearings during the reporting period. From 15 to 17 March, the Commission held a public hearing on self-determination and the international community. Speakers included my former Special Representative during the United Nations Mission in East Timor (UNAMET), Ian Martin, and civil society representatives from a number of countries. From 29 to 30 March, the Commission held two days of public hearings into the experiences of children during the conflict. The Commission has now closed its regional offices and is focusing its resources on completion of its final report, to be presented in October 2004, and development of recommendations for follow-up work. Continued support for the work of the Commission can make an important contribution towards lasting reconciliation in Timor-Leste.

Programme II
Support for the development of law enforcement in Timor-Leste

38. Development of the PNTL, which as of 1 April comprised 3,021 trained police officers and 26 civilian support staff, has continued to advance during the reporting period. The PNTL continues to undertake routine policing throughout the country, and is progressively assuming additional management responsibilities in a phased manner, although overall executive authority remains with UNMISET until 20 May. Police advisers have continued to mentor the PNTL in all districts, and UNMISET's 125-member police anti-riot unit has remained available during the present mandate period to respond to any major civil disturbances in urban areas, thus enabling Timorese counterparts to engage in further training. UNMISET's support for the PNTL's development has also continued to be complemented by a number of bilateral training efforts.

39. The PNTL's special units have continued to enhance their skills and capacities during the reporting period. The Timorese anti-riot Rapid Intervention Unit, which continues to receive training, appears to have attained an adequate level of capability. A new class of candidates for the Border Patrol Unit also completed basic training during the reporting period, bringing the strength of the Border Patrol Unit to 286. UNMISET police advisers present in all the border districts are co-located with the Border Patrol Unit officers and provide additional mentoring. Despite resources constraints, the Border Patrol Unit officers have continued to demonstrate a generally high level of motivation and a high level of cooperation with other local and international agencies. Less progress has been achieved towards preparation of the Rapid Deployment Service, which was conceived as a means to respond to particularly demanding security threats, including in the border area. Due to the fact that the necessary equipment has not been procured, training of the service has been recessed after completion of an initial phase, which focused on requirements to respect human rights and the code of conduct, and on limitations upon the use of force. Significant attrition took place during the programme, based on both voluntary withdrawals and failure to pass examinations.

40. Furthermore, the PNTL continues to suffer from a number of institutional weaknesses. These include limitations in terms of experience, legal and policy frameworks, logistical capability (particularly in the area of communications, where UNMISET support is required), and skills in resource management. At the same time, some fundamental problems referred to in my special report have continued to appear, with continuing, disturbing reports of excessive use of force, assault,

negligent use of firearms, criminal activities, corrupt practices and violations of human rights. Some recent measures that could help to address such problems include the extension of basic training at the Police Academy to six months, with significant human rights content in all courses and in-service training for all PNTL officers, while UNMISET has continued to provide further training in professional standards to PNTL officers even after their deployment.

41. Executive authority for policing will pass from the United Nations to the Government at midnight on 19 May. This will represent the culmination of the gradual handover and development processes referred to above, according to which the PNTL has steadily assumed greater responsibilities as its capacities have increased.

42. However, even after 20 May, further assistance would be essential to enable the PNTL to attain the requisite levels of professional and technical capacity, in accordance with international standards. In this context, it is proposed that, during the consolidation phase, UNMISET would support the PNTL's continued development through retention of a reduced police component, with appropriately adjusted functions, who would be deployed in Dili and in the districts of Timor-Leste. The role of UNMISET's police component would be transformed, following the handover of executive authority for policing, from a combination of operational and training duties, to a focus on mentoring and capacity-building. The current combination of 200 police advisers and a 125-officer anti-riot unit would be replaced by a smaller component of 157 police advisers, led by a senior police adviser. Police advisers would be co-located to the greatest extent possible with their PNTL counterparts and would support development of operational capability, including those of the special units, in addition to imparting skills in such specialized areas as counter-terrorism, investigations and forensics, and strengthening organizational and management capacity. All training and capacity-building efforts would seek to reinforce respect for human rights and the rule of law, in accordance with international standards of policing. Staffing levels of the component could be reviewed by the end of the year, to take account of evolving needs and developments on the ground.

43. The ability of this component to make a meaningful contribution to the long-term capacity of the PNTL will depend on related actions by the Timorese leadership, including progress in establishing key elements of its regulatory framework, such as the organic law for the police and oversight mechanisms and promulgation of the code of conduct; clear commitment to respect for the professional and non-political nature of policing; encouragement to PNTL officers to adhere to the highest standards of professional conduct, based on internationally accepted values; and demonstrated readiness to take swift and decisive disciplinary action when required.

44. Furthermore, this basic level of assistance would need to be complemented by continued bilateral and multilateral support. Planning is far advanced for significantly expanded bilateral support programmes, which can make a crucial difference, particularly if they continue to be closely coordinated with UNMISET's capacity-building efforts. As this assistance takes shape on the ground, the configuration of this component could be reviewed to ensure that all resources are used as efficiently as possible.

Programme III
Support for the security and stability of Timor-Leste

45. The security situation has generally remained calm and peaceful during the reporting period. However, reports of the presence of armed groups in western districts have persisted during the reporting period, although subsequent investigations have been inconclusive. The Tactical Coordination Line remains porous along a significant part of its length, and disputes between villages situated in its vicinity continue, as do illegal trade, hunting and crossings, and miscellaneous minor criminal activity. Relationships between the Timor-Leste PNTL and Indonesian border agencies remain tentative and require further development and consolidation.

46. In this context, security and stability have been promoted by regular patrolling activities throughout Timor-Leste by UNMISET's 1,750-member military component, which will remain at this strength until 20 May 2004. Visiting patrols, normally lasting for seven days, have continued every six to eight weeks in those districts where there is no permanent presence. The military component has also continued its efforts to transfer skills and knowledge to members of the F-FDTL and to encourage and assist the Border Patrol Unit in the execution of its border security management and patrolling tasks wherever possible.

47. As previously planned, Timor-Leste will formally assume full responsibility for maintenance of security and stability throughout its entire territory on 20 May 2004, two years after the celebration of the restoration of its independence, but the development of its security capability remains at an early stage. While Timorese armed forces may be able by that date to undertake limited response operations at company level, the ongoing reviews of F-FDTL capability noted above suggest considerable grounds for concern. These problems are compounded by the delay in training of the Rapid Deployment Service, which could in turn undermine the effectiveness and confidence of the Border Patrol Unit agents deployed along the Tactical Coordination Line. At the same time, as noted elsewhere, the respective roles and relationships of the various security agencies have yet to be clarified, codified by law and elaborated through regulation, before they can begin to be strengthened through practical experience of cooperation.

48. Any response to a security incident would be further complicated by logistical challenges. The current wet season has had a significant effect on the road network within Timor-Leste and engineering capabilities of the military component have been working to capacity to maintain mobility along major supply routes, particularly in the western districts. The capacity of the Government to maintain and improve the road network remains minimal and further deterioration of the road network is anticipated over the next 12 months following the withdrawal of the significant engineering capability currently provided by the military component.

49. Overall, developments during the reporting period reinforce the conclusion that during the consolidation phase, UNMISET should retain some residual security-related elements to support Timor-Leste's ability to maintain its security and stability, after handover of responsibility has taken place on 20 May 2004.

50. As reflected in my special report, maintenance of security in the region of the border would be promoted after that date by the deployment through UNMISET of 42 military liaison officers, almost entirely based in the area of the Tactical

Coordination Line. This military liaison group would facilitate contacts between Indonesian and Timorese forces, support demarcation efforts and monitor security-related developments.

51. In addition, it is proposed that, during the consolidation phase, UNMISET would retain a security force with two main elements. The first of these, as outlined in my special report, would be a component of some 310 formed troops, comprising an infantry company with air mobile capability and support. Second, taking account of increasing evidence of gaps in the Timorese security structure, it is proposed that UNMISET during the consolidation phase include an international response unit of 125 gendarmerie. These two components would work together closely to accomplish their respective tasks.

52. The military component would provide armed escort and protection, air mobility and land or air evacuation to military liaison officers or other United Nations personnel, and could draw upon the assistance of the international response unit if required. It would also conduct regular ground patrols, air-inserted patrols and aerial reconnaissance missions and would contribute to maintaining a calming presence within the community through civil military cooperation. It could also help to address key weaknesses in the Timorese forces by providing limited support in such areas as logistics, transportation, communications and information, to efforts by Timorese agencies to respond to major natural disasters or serious threats to security and stability.

53. It is envisaged that in exceptional circumstances the international response unit, with support from the military component as required, would respond to major security threats exceeding the capacity of Timor-Leste security agencies. That would be based upon case-by-case authorization by my Special Representative, who would consider specific requests from the Prime Minister, according to an agreed, clearly defined process and drawing upon input from UNMISET military and police. If authorized, temporary security responsibility for a specific area of operations would be formally transferred to UNMISET for the duration of any such deployment, and Timorese forces would be withdrawn from that specific, well-defined area. In addition to such operations, it would undertake preventive actions to promote public order, when so authorized by my Special Representative. The international response unit would be primarily deployed in the western districts, though a small proportion would be retained in Dili, to assist in the provision of security to United Nations premises and personnel there.

54. All elements of this international security presence, which would also include a small headquarters, would fall under the overall command of the UNMISET force commander. It would represent a small but capable, mobile and flexible force, and would allow the operation to help prevent or respond to major security threats. Its retention could have a calming effect on the local populace and reduce the risk of destabilizing incidents, at a time when the situation on the ground is potentially fragile, Timorese security capacity is limited, and many aspects of border management remain unclear. In addition, as appropriate, it could continue to transfer skills to Timorese security agencies and to promote cooperation between them. The requirement for all elements of this component would be reviewed towards the end of 2004, taking into account progress in all those areas.

55. It should be emphasized that during the consolidation phase, security assistance by UNMISET can only complement, rather than replace, Timorese

capability. The kinds of logistical support or security response described above would be authorized only in exceptional situations.

56. Furthermore, in authorizing operational activity, my Special Representative would evaluate the feasibility and appropriateness of the task involved, and would consider inter alia the security of UNMISET security personnel themselves. This would in turn be affected by the level of cooperation and mutual understanding of any Timorese security agencies in the vicinity. Thus, it is imperative that efforts be redoubled to achieve by 20 May a basic level of clarity that would favour assistance from UNMISET. While UNMISET has provided extensive support to aid the Timorese leadership in formulating an appropriate solution, this decision can be made only by the political authorities of Timor-Leste.

57. Likewise, it is essential that Timor-Leste and Indonesia take full advantage of the window of opportunity that would be provided by this additional 12-month period of international assistance to work effectively towards agreement upon arrangements for demarcation and management of their common border. Pending such an agreement, adoption of an interim arrangement could provide some basic clarity concerning the management of the border during the consolidation phase period. The authorities of both countries are currently considering a draft arrangement in this regard, based upon input from UNMISET.

58. As the respective roles and responsibilities of Timor-Leste's security agencies, including the F-FDTL, are defined, or as specific shortcomings are identified, bilateral support will be essential to ensure that they are in a position to assume their full responsibilities, without further assistance from an international presence, when the consolidation phase draws to a close in May 2005.

B. Role of the United Nations system

59. Limited revenue and widespread poverty within the country continue to pose severe constraints on Timor-Leste's social and economic development. Benefits from development of the country's mineral resources are materializing more slowly than had been hoped, owing to various delays and technical problems. The country's economy still benefits from little private-sector activity, and unemployment remains a serious concern, with particular challenges being posed by the need for social integration and gainful employment of veterans and former combatants. Further progress towards adoption of appropriate legislation and regulations related to commercial activity is essential to encourage additional investment.

60. It is apparent that further, substantial support from development partner countries remains indispensable to enable Timor-Leste to progress beyond its very difficult first years. The country's needs will be discussed in detail at the conference of development partners in Dili, on 19 May 2004. At a time of competing priorities, these requirements should be considered with full recognition of the fact that, just as is the case with Timor-Leste's security and stability, continued international support, although modest compared with what was provided earlier, can make a crucial difference in the sustainability of all that has been achieved.

61. Within the context of an uncertain economic situation, the activities of United Nations agencies, funds and programmes, together with the Bretton Woods institutions and development partner countries are playing an essential role in

Timor-Leste's long-term development, and will continue to do so during UNMISET's consolidation phase. This includes the financial support received through the World Bank, including the Transition Support Programme, which will amount to approximately $30 million in 2003-2004, or 30 per cent of the national budget. The Trust Fund for East Timor, which is administered jointly by the World Bank and the Asian Development Bank, has provided support for such projects as creation of rural power stations, road and drainage works, school construction, rehabilitation of marketplaces and community health centres, and vocational training.

62. Among the projects that support implementation of the National Development Plan are technical support and training provided in the health sector by the World Health Organization; support from the United Nations Population Fund for a national family planning policy and preparations for a first national census; and efforts of the United Nations Children's Fund to restore national capacity for vaccination and campaigns against polio and measles, and its support for educational development. During the reporting period, two major agriculture and infrastructure projects were supported through the RESPECT programme, which promotes employment for vulnerable groups. Continued progress has been made by International Labour Organization activities in the development of vocational skills and entrepreneurship projects, and in assisting the Government in establishing labour relations and dispute-settlement mechanisms. UNDP-led activities include a reforestation campaign and development of customs management systems. The World Food Programme continued to provide relief assistance to drought- and flood-affected families in 11 districts.

63. As I noted in my last report, continued and enhanced cooperation between UNMISET and the wider United Nations system of agencies, funds and programmes and the Bretton Woods institutions, as well as other bilateral actors and civil society, will be essential in the coming year. This would be reinforced during UNMISET's consolidation phase by the kinds of coordination mechanisms described in my special report.

IV. Financial aspects

64. As indicated in my special report on UNMISET of 13 February 2004 (S/2004/117), the General Assembly, by its resolutions 57/327 of 18 June 2003 and 58/260 of 23 December 2003, appropriated the total amount of $208.8 million for the maintenance of the Mission for the period from 1 July 2003 to 30 June 2004.

65. Should the Security Council decide to extend UNMISET as proposed in paragraph 68 below, I shall seek the necessary funding for the operation of the Mission from the General Assembly.

66. As at 31 March 2004, unpaid assessed contributions to the special account for UNTAET/UNMISET amounted to $70.6 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1,226.1 million.

V. Observations and recommendations

67. The international community's peacekeeping activities in Timor-Leste have provided a window of opportunity for progress. By playing a key role in providing security, by facilitating the country's emergence from conflict and its political development, and by supporting the State's development, the international community has made a crucial contribution. The extraordinary progress that has taken place has permitted a swift downsizing in the international presence on the ground, and has left no doubt as to the momentum of transfer of responsibility to Timor-Leste.

68. Nonetheless, there is a limit to what can be achieved in so short a time. I therefore recommend extension of UNMISET for a further, one-year consolidation phase, to allow key tasks to be performed and to sustain, strengthen and build upon the gains made to date, thereby permitting Timor-Leste to attain self-sufficiency. During this year, the mission would include three broad programmes, as described above. The first programme, support for public administration and justice in Timor-Leste, would be advanced by UNMISET through provision of 58 civilian experts to the public administration and judiciary, and through continued assistance for justice in the area of serious crimes, at a level similar to the present, but with reallocation of some resources from investigative activity to promote timely completion of litigation at the trial and appellate level. The second programme, support for the development of law enforcement, would be advanced through retention of 157 civilian police advisers, under the leadership of a senior police adviser, who would undertake mentoring and capacity-building activities in Dili and in the districts. The third programme, support for the security and stability of Timor-Leste, would be effected through deployment of 42 military liaison officers, largely deployed along the tactical coordination line; retention of 310 formed military, including infantry, aviation and support; and deployment of an international response unit of 125 gendarmerie, who, with support from the formed military as required, would undertake preventive and response operations in exceptional circumstances, based on the authorization of my Special Representative. UNMISET's activities will be closely coordinated with those of the wider United Nations system and bilateral donors.

69. Over the past two years, the leadership of Timor-Leste has demonstrated an ability to work closely together to meet national challenges, and has maintained close cooperation with my Special Representative. Similar coordination and cooperation will be essential to enable the Timorese people to derive full benefit from this additional year of peacekeeping assistance. Certain immediate steps are crucial, including agreement on arrangements to permit civilian advisers to assume their functions, and selection of Timorese counterparts, as well as clarification of the precise responsibilities of Timorese security agencies on an interim basis. The Timorese leadership can lay the foundations for future progress by fostering a culture of political dialogue and debate, anchored in the values of human rights, tolerance and respect for the law, and by providing a firm legislative basis for the development of the machinery of the public administration, particularly in areas mentioned in the present report.

70. At the same time, partnership with other Member States is also crucial to success. In particular, the statesmanlike vision of cooperation that has been shown by the political leadership of Timor-Leste and Indonesia must find practical

expression through such steps as completion of agreement upon the land border, resolution of the problems of the refugees, and arrangements that allow for the social and economic requirements of the peoples on either side of the border to be met in a peaceful and orderly manner.

71. Furthermore, the possibilities for Timor-Leste's future political development and social progress are indissolubly linked with its economic prospects. Progress towards agreement between Australia and Timor-Leste for development of the mineral resources in the Timor Sea, in a mutually beneficial manner, through full commitment of the leadership of the countries involved, would make an essential contribution in this regard.

72. It must be remembered that the provision of support through peacekeeping can only meet the most urgent of the country's requirements. It must be complemented and built upon by bilateral and multilateral support, if real progress is to take place.

73. The extraordinary distance covered by Timor-Leste during the past five years offers occasion for pride, for the Timorese people above all, but also for the international community, which has done much to assist. It also gives grounds for hope and encouragement. Where so much has been achieved so quickly, there is good reason to believe that a further joint effort by the leadership of Timor-Leste and the international community will enable the Timorese people to reach the objective of a truly self-sufficient State that they have pursued with such determination.

74. In conclusion, I would like to pay a special tribute to the skilled and dedicated leadership of my Special Representative, Kamalesh Sharma, and to the exceptional efforts of the men and women of the civilian, military and police components of UNMISET, including the United Nations volunteers. Together, they have made an outstanding contribution to Timor-Leste's progress during the past two years.

Annex I

Programme I
Support for public administration and justice in Timor-Leste

Project	*Status as of May 2004*	*United Nations support in the consolidation phase*	*Timor-Leste action required*	*Member States' support required*	*Milestones to be achieved by May 2005 — Remaining requirements*
Assist Timor-Leste's public administration to cross a critical threshold of self-sufficiency, and to ensure that key tasks are discharged.	Civil Service Act and Organic Law on the Presidency approved by the National Parliament. Other critical legislation and policies, including organic laws of a number of State institutions, are at an early stage of development. Out of the total of about 13,082 budgeted positions, currently 11,352 or about 87 per cent are filled. 77.5 per cent of all mid-level positions are currently filled. Civil service has mastered basic skills, but international assistance continues to be required in key areas including finance, State administration and justice. Justice sector continues to suffer shortages of qualified personnel and limited infrastructure, leading to delays and illegal detentions.	Group of 58 civilian advisers would continue to strengthen and transfer skills to civil service and the justice system, through: Assistance in development of policies and regulations. Preparation of manuals and standard operating procedures. Training of Timorese trainers. On-the-job training. Formal in-country training programmes in general and specialized fields. Support to the Office of the Provedor, when established.	Timely adoption of necessary administrative arrangements to ensure full contribution of all civilian advisers, and identification of all Timorese counterparts. Significant progress towards adoption of relevant legal frameworks and organic laws, codes of conduct and human resources management rules, regulations, and operating procedures. Adoption of legislation for, and full establishment of, the Office of the Provedor for Human Rights and Justice. Further development of code of conduct for prison staff, prison oversight mechanism, establishment of National Corrections Commission and juvenile facility.	Provision of support for 99 positions identified for support through UNDP, in addition to bilateral support. Other bilateral training initiatives, including both short and long duration overseas programmes. Technical and other support from bilateral donors in areas highlighted by the Justice Sector Needs Assessment mission. Support to the Office of the Provedor, when established.	Timorese administration to pass critical threshold of self-sufficiency, with basic legislation and regulatory frameworks in place and public administration possessing skills necessary for core administrative and governance tasks. ***Some continuing requirements would remain for bilateral assistance; in particular, continued training or support in areas that demand highly specialized or technical skills.***

Project	*Status as of May 2004*	*United Nations support in the consolidation phase*	*Timor-Leste action required*	*Member States' support required*	*Milestones to be achieved by May 2005 — Remaining requirements*
Assist in bringing to justice those responsible for serious crimes committed in 1999, in accordance with the priorities defined by the Security Council in its resolutions 1272 (1999), 1319 (2000) and 1338 (2001).	A total of 82 indictments, including those filed in the 10 priority cases and in the 5 widespread patterns of violence, have been filed, involving 369 accused persons. 52 judgements to date (50 convicted of at least some charge and 2 complete acquittals), of which 47 are complete through appellate stage and 5 are on appeal. 15 cases in process at the Special Panels; 23 cases frozen due to the fact that 281 accused persons are outside the jurisdiction.	Operational and training functions of international investigators, prosecutors, judges and defence lawyers. Support for complementary Commission on Reception, Truth and Reconciliation process.	Timely consideration of new international judges to ensure the efficient and expeditious conduct of court proceedings. Support for complementary Commission on Reception, Truth and Reconciliation process.	Technical and other support from bilateral donors. Extradition of indicted persons to face justice. Support for complementary Commission on Reception, Truth and Reconciliation process.	Completion of investigation of United Nations staff killings and of a number of the most egregious crimes. Completion of all trials of those accused present in Timor-Leste. Completion of the great majority of cases at the appellate level. ***Additional measures may need to be considered to fully respond to the desire for justice of those affected by the violence in 1999.***

Annex II

Programme II
Support for the development of law enforcement in Timor-Leste

Project	*Status as of May 2004*	*United Nations support in the consolidation phase*	*Timor-Leste action required*	*Member States' support required*	*Milestones to be achieved by May 2005 — Remaining requirements*
Assist PNTL to attain the requisite levels of professional and technical capacity in accordance with international standards.	Timor-Leste to assume executive authority for policing as of 20 May 2004. 3,020 PNTL police officers trained and deployed out of the expected strength of 3,062; specialized units focused on crowd control and border patrol are trained and deployed. Basic skills are attained, but institutional strengthening is required, including ensuring effective and professional performance and imparting specialized skills. Training of Rapid Deployment Service recessed, based on lack of equipment. PNTL takes full ownership of institutional strengthening committee with progress on administrative and procedural issues.	Assist PNTL development through support, training, mentoring and advice by 157 police advisers; composition to be reviewed by end 2004, taking account of bilateral assistance.	Adoption of legislation to strengthen PNTL, including Organic Law for the police, and related measures such as implementation of code of conduct and establishment of disciplinary mechanisms and an oversight mechanism. Continued support PNTL's development as a non-political, professional service. Procurement of necessary equipment to allow Timorese agencies to play their established role.	Bilateral initiatives in support of institutional strengthening of PNTL. Provision of equipment and training for PNTL and for its special units. Development partners' support in key specialized areas, such as forensics, so as to enable PNTL to function as a viable and effective police force.	PNTL to cross critical threshold of self-sufficiency as an effective police service operating according to international standards. ***Ongoing bilateral assistance in terms of provision of training, technical support and equipment would be required for PNTL's advanced development.***

Annex III

Programme III
Support for the security and stability of Timor-Leste

Project	*Status as of May 2004*	*United Nations support in the consolidation phase*	*Timor-Leste action required*	*Member States' support required*	*Milestones to be achieved by May 2005 — Remaining requirements*
Support Timor-Leste's maintenance of its security and stability	Timor-Leste to assume responsibility for its security and stability as of 20 May 2004. Border negotiations ongoing. Respective responsibilities of Timorese security agencies in support of the civil power to be clarified, and appropriate capacity to be developed. F-FDTL may have basic capacity for company-level response.	Military component, including 42 military liaison officers, 310 formed military and 125-person international response unit (configuration and tasks to be reviewed by end of 2004) would complement Timorese security activity through: Promotion of regular contact at the operational and tactical level between Timorese and Indonesian border security agencies, logistical and technical support for completion of arrangements on the border, monitoring of security-related developments. Maintenance of a calming presence within the community. In exceptional circumstances, limited support in such areas as logistics, transportation, communication and information to Timorese agencies. On a case-by-case basis, operational response or preventive action, as authorized by Special Representative of the Secretary-General. Transfer of skills to Timorese security agencies as appropriate and promotion of cooperation between them.	Adoption of necessary policies and legislation to clarify responsibilities of Timorese agencies and provide a coherent security vision for Timor-Leste, in the overall national security framework and related practical decisions and steps. High-level political engagement towards completion of arrangements for delineation, demarcation and management of Timor-Leste's land border.	Close cooperation between Indonesia and Timor-Leste, based on continued high-level political engagement, to address outstanding security risks in the area of the Tactical Coordination Line, including resettlement of remaining refugees, and completion of arrangements for border demarcation and management. Bilateral support to development of Timorese security capabilities as required.	Security structures to cross a critical threshold of self-sufficiency in terms of definition of roles and basic skills; arrangements in place for border demarcation and management. ***Continued bilateral support for Timor-Leste's development of its security capabilities and for border demarcation, as required.***

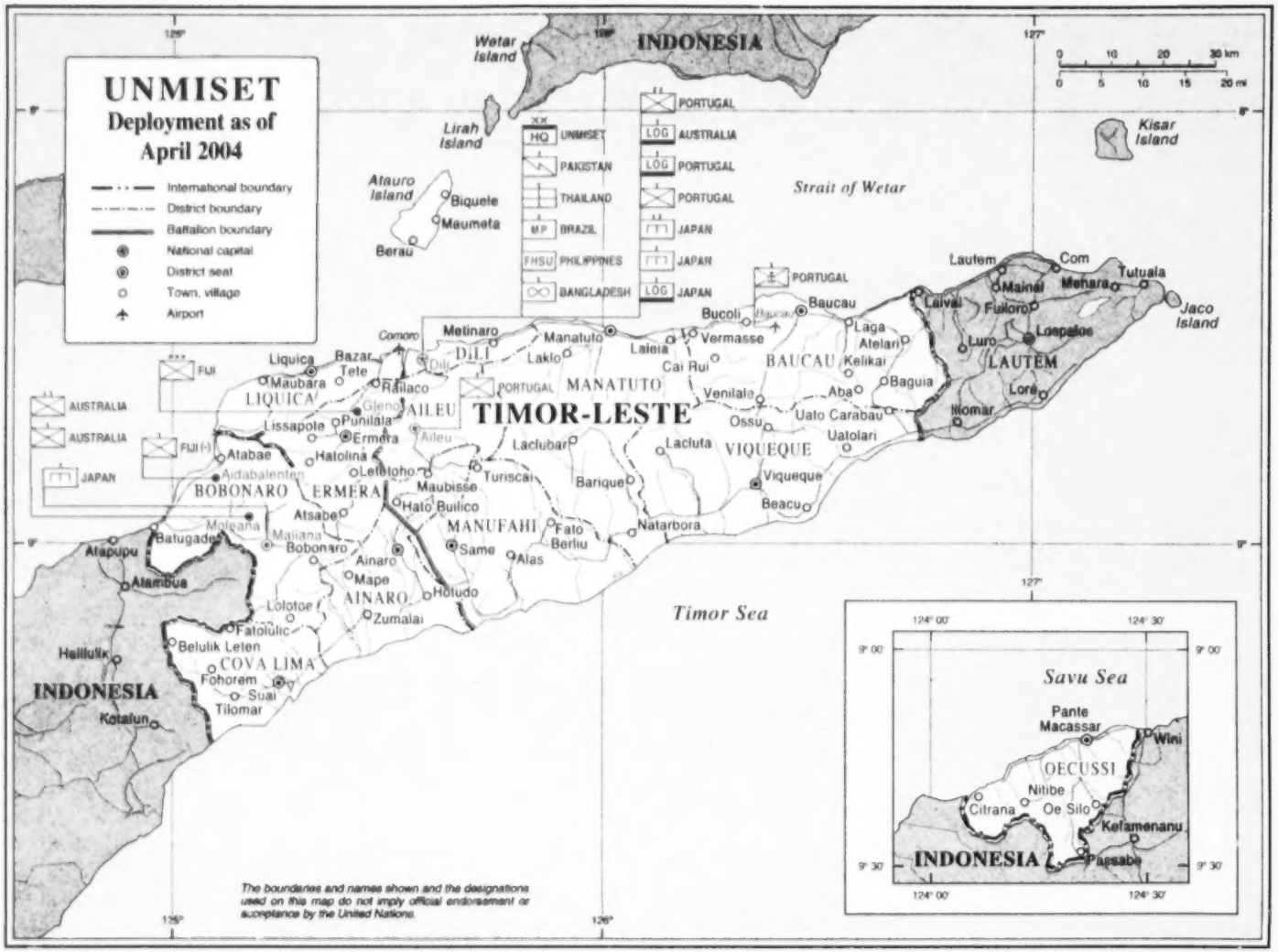
Annex IV

United Nations Mission of Support in East Timor: civilian police and military strength

(as at 1 April 2004)

	Civilian police	*Troops*	*Military Observers*	*Total*
Argentina	1	-	-	1
Australia	21	307	7	335
Bangladesh	9	34	2	45
Bolivia	-	-	2	2
Bosnia and Herzegovina	5	-	-	5
Brazil	5	58	11	74
Canada	7	-	-	7
China	16	-	-	16
Denmark	-	-	2	2
Fiji	-	189	-	189
Ghana	5	-	-	5
Ireland	-	1	-	1
Japan	-	378	-	378
Jordan	-	-	4	4
Kenya	-	-	2	2
Malaysia	133	6	10	149
Mozambique	-	-	2	2
Nepal	3	4	3	10
New Zealand	-	3	4	7
Niger	1	-	-	1
Norway	2	-	-	2
Pakistan	9	74	5	88
Philippines	16	41	7	64
Portugal	19	518	1	538
Republic of Korea	-	3	-	3
Russian Federation	1	-	2	3
Samoa	4	-	-	4
Serbia and Montenegro	-	-	2	2
Singapore	-	3	-	3
Spain	5	-	-	5
Sri Lanka	6	-	-	6
Sweden	1	-	2	3
Thailand	-	47	6	53
Turkey	1	-	1	2
Ukraine	3	-	-	3

	Civilian police	*Troops*	*Military Observers*	*Total*
United Kingdom of Great Britain and Northern Ireland	4	-	-	4
United States of America	17	-	-	17
Uruguay	-	-	2	2
Zambia	3	-	-	3
Zimbabwe	5	-	-	5
Total	**302**	**1 666**	**77**	**2 045**



Map No. 4209 Rev. 3 UNITED NATIONS
April 2004

Department of Peacekeeping Operations
Cartographic Section

United Nations S/2004/334

Security Council

Distr.: General
30 April 2004

Original: English

Draft resolution

The Security Council,

Recalling resolution 1529 (2004) of 29 February 2004,

Welcoming the report of the Secretary-General on 16 April 2004 (S/2004/300) and supporting its recommendations,

Affirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Haiti,

Deploring all violations of human rights, particularly against the civilian population, and urging the Transitional Government of Haiti ("Transitional Government") to take all necessary measures to put an end to impunity and to ensure that the continued promotion and protection of human rights and the establishment of a State based on the rule of law and an independent judiciary are among its highest priorities,

Reaffirming also its resolutions 1325 (2000) on women, peace and security, 1379 (2001), 1460 (2003) and 1539 (2004) on children in armed conflicts, as well as resolutions 1265 (1999) and 1296 (2000) on the protection of civilians in armed conflicts,

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Commending the rapid and professional deployment of the Multinational Interim Force (MIF) and the stabilization efforts it has undertaken,

Taking note of the Political Agreement reached by some key parties on 4 April 2004 and *urging* all parties to work without delay towards a broad political consensus on the nature and duration of the political transition,

Reiterating its call upon the international community to continue to assist and support the economic, social and institutional development of Haiti over the long term, and welcoming the intention of the Organization of American States (OAS), the Caribbean Community (CARICOM), and of the international donor community, as well as international financial institutions, to participate in those efforts,

Noting the existence of challenges to the political, social and economic stability of Haiti and determining that the situation in Haiti continues to constitute a threat to international peace and security in the region,

04-33344 (E) 300404

1. *Decides* to establish the United Nations Stabilization Mission in Haiti (MINUSTAH), the stabilization force called for in resolution 1529 (2004), for an initial period of six months, with the intention to renew for further periods; and requests that authority be transferred from the MIF to MINUSTAH on 1 June 2004;

2. *Authorizes* remaining elements of the MIF to continue carrying out its mandate under UNSCR 1529 (2004) within the means available for a transition period not exceeding 30 days from 1 June 2004, as required and requested by MINUSTAH;

3. *Requests* the Secretary-General to appoint a Special Representative in Haiti who will have overall authority on the ground for the coordination and conduct of all the activities of the United Nations agencies, funds and programmes in Haiti;

4. *Decides* that MINUSTAH will consist of a civilian and a military component in accordance with the Secretary-General's report on Haiti (S/2004/300); a civilian component will include a maximum of 1,622 Civilian Police, including advisers and formed units and a military component to include up to 6,700 troops of all ranks; and *requests further* that the military component report directly to the Special Representative through the force commander;

5. *Supports* the establishment of a Core Group chaired by the Special Representative and comprising also his/her Deputies, the Force Commander, representatives of OAS and CARICOM, other regional and subregional organizations, international financial institutions and other major stakeholders, in order to facilitate the implementation of MINUSTAH's mandate, promote interaction with the Haitian authorities as partners, and to enhance the effectiveness of the international community's response in Haiti, as outlined in the Secretary-General's report (S/2004/300);

6. *Requests* that in carrying out its mandate, MINUSTAH cooperate and coordinate with the OAS and CARICOM;

7. *Acting* under Chapter VII of the Charter of the United Nations with regard to Section I below, *decides* that MINUSTAH shall have the following mandate:

I. Secure and Stable Environment:

(a) in support of the Transitional Government, to ensure a secure and stable environment within which the constitutional and political process in Haiti can take place;

(b) to assist the Transitional Government in monitoring, restructuring and reforming the Haitian National Police, consistent with democratic policing standards, including through the vetting and certification of its personnel, advising on its reorganization and training, including gender training, as well as monitoring/mentoring members of the Haitian National Police;

(c) to assist the Transitional Government, particularly the Haitian National Police, with comprehensive and sustainable Disarmament, Demobilization and Reintegration (DDR) programmes for all armed groups, including women and children associated with such groups, as well as weapons control and public security measures;

(d) to assist with the restoration and maintenance of the rule of law, public safety and public order in Haiti through the provision inter alia of operational support to the Haitian National Police and the Haitian Coast Guard, as well as with their institutional strengthening, including the re-establishment of the corrections system;

(e) to protect United Nations personnel, facilities, installations and equipment and to ensure the security and freedom of movement of its personnel, taking into account the primary responsibility of the Transitional Government in that regard;

(f) to protect civilians under imminent threat of physical violence, within its capabilities and areas of deployment, without prejudice to the responsibilities of the Transitional Government and of police authorities;

II. Political Process:

(a) to support the constitutional and political process under way in Haiti, including through good offices, and foster principles and democratic governance and institutional development;

(b) to assist the Transitional Government in its efforts to bring about a process of national dialogue and reconciliation;

(c) to assist the Transitional Government in its efforts to organize, monitor, and carry out free and fair municipal, parliamentary and presidential elections at the earliest possible date, in particular through the provision of technical, logistical, and administrative assistance and continued security, with appropriate support to an electoral process with voter participation that is representative of the national demographics, including women;

(d) to assist the Transitional Government in extending State authority throughout Haiti and support good governance at local levels;

III. Human Rights:

(a) to support the Transitional Government as well as Haitian human rights institutions and groups in their efforts to promote and protect human rights, particularly of women and children, in order to ensure individual accountability for human rights abuses and redress for victims;

(b) to monitor and report on the human rights situation, in cooperation with the Office of the United Nations High Commissioner for Human Rights, including on the situation of returned refugees and displaced persons;

8. *Decides* that MINUSTAH in collaboration with other partners shall provide advice and assistance within its capacity to the Transitional Government:

(a) in the investigation of human rights violations and violations of international humanitarian law, in collaboration with the Office of the High Commissioner for Human Rights, to put an end to impunity;

(b) in the development of a strategy for reform and institutional strengthening of the judiciary;

9. *Decides further* that MINUSTAH shall coordinate and cooperate with the Transitional Government as well as with their international partners, in order to

facilitate the provision and coordination of humanitarian assistance, and access of humanitarian workers to Haitian people in need, with a particular focus on the most vulnerable segments of society, particularly women and children;

10. *Authorizes* the Secretary-General to take all necessary steps to facilitate and support the early deployment of MINUSTAH in advance of the United Nations assumption of responsibilities from the Multinational Interim Force;

11. *Requests* the Haitian authorities to conclude a status-of-force agreement with the Secretary-General within 30 days of adoption of this resolution, and notes that pending the conclusion of such an agreement the model status-of-force agreement dated 9 October 1990 (A/45/594) shall apply provisionally;

12. *Demands* strict respect for the persons and premises of the United Nations and associated personnel, the OAS, CARICOM and other international and humanitarian organizations, and diplomatic missions in Haiti, and that no acts of intimidation or violence be directed against personnel engaged in humanitarian, development or peacekeeping work; *demands further* that all parties in Haiti provide safe and unimpeded access to humanitarian agencies to allow them to carry out their work;

13. *Emphasizes* the need for Member States, United Nations organs, bodies and agencies and other international organizations, in particular OAS and CARICOM, other regional and subregional organizations, international financial institutions and non-governmental organizations to continue to contribute to the promotion of the social and economic development of Haiti, in particular for the long-term, in order to achieve and sustain stability and combat poverty;

14. *Urges* all the above-mentioned stakeholders, in particular the United Nations organs, bodies, and agencies to assist the Transitional Government of Haiti in the design of a long-term development strategy to this effect;

15. *Calls on* the Member States to provide substantial international aid to meet the humanitarian needs in Haiti and to permit the reconstruction of the country, utilizing relevant coordination mechanisms, and *further calls* upon States, in particular those in the region, to provide appropriate support for the actions undertaken by the United Nations organs, bodies and agencies;

16. *Requests* the Secretary-General to provide an interim report to the Council on the implementation of this mandate, and to provide an additional report prior to the expiration of the mandate, containing recommendations to the Council on whether to extend, restructure or reshape the mission to ensure the mission and its mandate remain relevant to changes in Haiti's political, security and economic development situation;

17. *Decides* to remain seized of the matter.